

APPENDIX A

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Transgender Student-Athlete Participation Policy

Transgender Student-Athlete Participation Policy

UPDATED 4/17/2023 TO PROVIDE INCREASED CLARITY

At its January 19, 2022 meeting, the NCAA Board of Governors updated the transgender student-athlete participation policy governing college sports.

The new policy aligns transgender student-athlete participation with the Olympic Movement. The resulting sport-by-sport approach preserves opportunity for transgender student-athletes while balancing fairness, inclusion and safety for all who compete.

Like the U.S. Olympic and Paralympic Committee, the updated NCAA policy calls for transgender student-athlete participation for each sport to be determined by the policy for the national governing body of that sport. If there is no NGB policy for a sport, it would then be determined by the policy for that sport's international federation. If there is no international federation policy, it would be determined by policy criteria previously established by the International Olympic Committee. Sport-specific policies are subject to ongoing review and recommendation by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports to the Board of Governors.

The policy is effective immediately, with three phases of implementation.

Phase One – 2022 winter and spring championships

For participation in 2022 winter and spring championships, transgender student-athletes were required to provide documentation to the CSMAS within four weeks before the selections date for their championship.

The documentation had to demonstrate compliance with the 2010 NCAA policy, which calls for one year of testosterone suppression treatment. It also had to document a one-time serum testosterone level that fell below the maximum allowable level for the sport in which the student-athlete was competing within four weeks of championship selections for that sport. That means that student-athletes who already fulfilled the 2010 NCAA policy only needed provide one validated serum testosterone level.

Transgender student-athletes who participated in regular season competition (including conference championships) remained subject to the 2010 NCAA policy only.

Phase Two – 2022-23 and 2023-24 regular season and championships

Beginning Aug. 1, 2022, participation in NCAA sports requires transgender student-athletes to provide documentation that meets the above criteria for the 2010 NCAA policy, plus meet the sport standard for documented testosterone levels at three points in time: 1. Prior to any competition during the regular season; 2. Prior to the first competition in an NCAA championship event; and 3. Prior to any competition in the non-championship segment. See the transgender student-athlete eligibility review procedures for more information.

Phase Three – 2024-25 full implementation

Beginning Aug. 1, 2024, participation in NCAA sports requires transgender student-athletes to provide documentation no less than twice annually (and at least once within four weeks of competition in NCAA championships) that meets the sport-specific standard (which may include testosterone levels, mitigation timelines and other aspects of sport-governing body policies) as reviewed and approved by CSMAS. More information about the specific application of Phase Three will be provided prior to implementation.

Additional flexibility

The Board of Governors urged the divisions to allow for additional, future eligibility if a transgender student-athlete loses eligibility based on the policy change, provided they meet the newly adopted standards.

The NCAA's Office of Inclusion and Sport Science Institute also released the [Gender Identity and Student-Athlete Participation Summit Final Report](#). The report assists ongoing membership efforts to support an inclusive environment that promotes and develops the mental and physical health of transgender and non-binary student-athletes in collegiate sport. The foundational principles in this report will be developed further in conjunction with the Committee to Promote Cultural Diversity and Equity, CSMAS and other core membership committees that address gender identity.

Transgender Student-Athlete Resources

- [Transgender Student-Athlete Eligibility Review Procedures](#)
- [2022-23 Spring Sport Testosterone Thresholds and Championship Submission Deadlines](#)
- [2023-24 Fall Sport Testosterone Thresholds and Championship Submission Deadlines](#)
- [2023-24 Winter Sport Testosterone Thresholds and Championship Submission Deadlines](#)
- [2023-24 Spring Sport Testosterone Thresholds and Championship Submission Deadlines](#)
- [Clarifying Application and Next Steps](#)
- [2010 NCAA Transgender Participation Policy](#)
- [NCAA Inclusion of Transgender Student-Athletes Handbook](#)
- [Gender Identity and Student-Athlete Participation Summit Final Report](#)
- [Medical Exceptions Procedures and Form](#)

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Transgender Student-Athlete Eligibility Review Procedures

Transgender Student-Athlete Eligibility Review Procedures

Approved: Jan. 27, 2022 / Distributed: Jan. 28, 2022 / Updated: Jan. 19, 2023

At its Jan 2022 meeting, the NCAA Board of Governors updated the transgender student-athlete participation policy to incorporate sport-by-sport eligibility requirements that align with the Olympic movement.

With these national and international sport-specific policy considerations in mind, the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports developed corresponding sport-specific NCAA transgender student-athlete eligibility criteria. A summary of these corresponding NCAA sport-by-sport testosterone level requirements can be found here: [fall sports](#), [winter sports](#) and [spring sports](#).

At the 2023 NCAA Convention, the Board of Governors approved a CSMAS recommendation to extend Phase Two of the [NCAA transgender student-athlete participation policy](#) through the 2023-24 academic year. Phase Three will begin in the 2024-25 academic year. CSMAS recommended the change to allow additional time to address operational considerations in Phase Three of the policy.

Phase Two: 2022-23 and 2023-24 Academic Years -- Eligibility Documentation and Review Procedure for Transgender Student-Athlete Participation. The policy updates do not change eligibility requirements for a trans man to compete during the 2022-23 and 2023-24 academic years. However, gender affirming medical care for any student-athlete could involve the use of NCAA banned substances (e.g., testosterone). In which case, the school would be required to submit a medical exception request on behalf of the student-athlete. Please see [NCAA medical exception procedures](#) for additional details related to these requirements.

For a trans woman student-athlete to be eligible to compete in an NCAA women's sport, the student-athlete's school must submit the following:

1. **[NCAA Transgender Student-Athlete Eligibility Review Form](#)**; and
2. **Evidence of Serum Testosterone Level.** Laboratory results demonstrating a one-time total serum testosterone level that is within the allowable levels for the sport in which the student-athlete plans to compete. Additionally, submitted laboratory results must be within four weeks (28 days) prior to the applicable competition date (e.g., student-athlete's first contest of each playing season segment or championship selection date).

How and When to Send Documentation.

Annual submission requirements. The NCAA must receive all required documentation at least one week prior to the student-athlete's first competition in the applicable playing season segment (traditional and nontraditional) for the applicable sport.

- **Multi-sport student-athletes.** Where a student-athlete intends to compete in more than one sport, submission of annual eligibility documentation will occur at least twice per academic year. Typically, this will occur (1) Prior to the student-athlete's initial competition in the fall term; and (2) Prior to the student-athlete's initial competition in a different sport in the following academic term.
- **Example. Cross country, indoor and outdoor track and field student-athlete:** Eligibility documentation must be submitted for review in the fall prior to the student-athlete's first cross country competition. This submission and review establishes eligibility for traditional segment competition in both cross country and indoor track and field. Eligibility documentation would again be submitted at the start of the spring semester or winter quarter prior to the student-athlete's first competition in outdoor track and field.

NCAA championship submission requirements. For competition in championships, the NCAA must receive all required documentation from the school at least one week prior to the first championship selection date in the applicable sport.

- A multi-sport student-athlete must submit championship eligibility documentation prior to each NCAA championship in which they intend to compete.

To receive a timely eligibility determination, all the above documentation must be completed and faxed by the student-athlete's school to the NCAA at (317)-917-6989.

Review of Documentation, Eligibility Determinations. Documentation submitted pursuant to these transgender student-athlete eligibility review procedures will be reviewed by, and corresponding eligibility determinations will be made by, the CSMAS Medical Review Panel.

Medical Exceptions Reminder. These procedures do not replace or change the requirements related to the [NCAA Medical Exception Documentation Reporting Form](#) which must be separately submitted by the school and approved by the NCAA before any student-athlete using any anabolic agent, hormone and metabolic modulator, or peptide hormone, growth factor, related substances and mimetics is allowed to participate in competition. See [NCAA Medical Exception Procedures](#) for additional information and requirements.

Communications, School Contact. As part of its completion of an [NCAA Transgender Student-Athlete Eligibility Review Form](#), a school will have the opportunity to designate a school contact. All communications related to the transgender student-athlete eligibility review will be directed to the identified school contact. In recognition of the sensitive nature of the information to be exchanged, we encourage each school to consider the needs and expectations of the school and the student-athlete when identifying an appropriate school contact.

Reconsideration. The NCAA will deliver eligibility determinations to the school contact identified in the NCAA Transgender Student-Athlete Eligibility Review Form. If the student-athlete is determined to be ineligible for competition, additional documentation (e.g., updated total serum testosterone lab results) may be submitted for reconsideration provided it occurs in a timeframe consistent with applicable policy requirements.

Privacy Considerations. Certain information shared as part of these eligibility review procedures may constitute protected information as the same is described in applicable state, federal and international privacy regulations. We encourage schools to consult with legal, risk management and other applicable campus personnel as necessary before submitting eligibility information to evaluate and confirm, as necessary, the applicability of any such laws and related requirements.

If you have questions about the transgender student-athlete eligibility review procedures, please contact ssi@ncaa.org.

NCAA Transgender Student-Athlete Eligibility Review Fax: (317)-917-6989.

Resources

- [NCAA Transgender Student-Athlete Eligibility Review Form](#)
- [Transgender Student-Athlete Participation Policy](#)

**NCAA Transgender Student-Athlete Participation Policy
Phase Two: 2022-23 and 2023-24 Academic Years
Eligibility Review Form - Instructions**

In accordance with the [NCAA Board of Governors January 2022 update to the NCAA Transgender Student-Athlete Participation Policy](#), a school must, on behalf of a trans woman student-athlete intending to compete in an NCAA women's sport during the 2022-23 and 2023-24 academic years, establish eligibility of the student-athlete by completing and faxing this form along with all required supporting documentation identified below to the NCAA at **317-917-6989**.

Applicability. This form is only valid for purposes of determining eligibility for competition during the 2022-23 and 2023-24 academic years and 2022-23 and 2023-24 NCAA championships. For the 2022-23 and 2023-24 academic years, established eligibility requirements apply to all NCAA competition, including competition in both the traditional and nontraditional segments and NCAA championships. This may require the submission of eligibility documentation on multiple occasions. Please see the [eligibility documentation review process](#) for additional information.

Medical Exception Reminder. This form is distinct from and not a substitute for the [NCAA Medical Exception Documentation Reporting Form](#) which must be separately submitted by the institution and approved by the NCAA before any student-athlete using any anabolic agent, hormone and metabolic modulator, or peptide hormone, growth factor, related substances and mimetics is allowed to participate in competition.

Submission Requirements. In order to receive a timely eligibility review, a school must submit the following:

1. **Completed Eligibility Review Form.** A school must include a fully completed and executed eligibility review form, including sections one and two.
2. **Serum Testosterone Level.** A school must include a copy of lab results confirming that, as of a date that is no more than four weeks (28 days) prior to the first applicable date of competition (e.g., student-athlete's first competition in the applicable playing season segment or the first championship selection date in the applicable sport), the student-athlete's total serum testosterone level was within the allowable level for the sport in which the student-athlete intends to compete. A summary of current sport-by-sport testosterone level requirements and a schedule of NCAA championship selection dates can be found here: [fall sports](#), [winter sports](#) and [spring sports](#).

Submitting the Form. The completed form (Sections 1 and 2) and serum testosterone level lab results must be faxed to NCAA at 317-917-6989.

**NCAA Transgender Student-Athlete Participation Policy
Eligibility Review Form: Section One**

**See instructions for additional information about submission.*

SECTION ONE. Student-athlete information and school contact for eligibility communication. To be completed by student-athlete's school.

School Name:

Student-Athlete Information.			
Name:		Date of Birth:	
Sport:			

Applicable Season for Reporting Purposes. (Select One and Complete Applicable Date)		
Traditional Segment.	Date of SA's First Competition:	
Nontraditional Segment.	Date of SA's First Competition:	
NCAA Championship.	Championship Selection Date:	

School Contact Information for Eligibility Communication*.			
Contact Name:		Contact Title:	
Contact Email:		Contact Phone:	

* All questions, communications and eligibility determinations pertaining to this form and the related eligibility of the student-athlete identified above will be directed to the identified school contact. In recognition of the sensitive nature of the content provided in and with this form, and the material variations in how member institutions may elect to manage and retain such information, we encourage you to consider the needs and expectations of the school and the student-athlete when identifying an appropriate school contact.

* *NOTE: This form and the information provided herein is intended to be used by the NCAA solely for the purpose of evaluating and determining eligibility to participate in NCAA competition. Some of the information required to be provided in this form may constitute protected information as the same is described in applicable state, federal and international privacy regulations. We encourage you to consult with legal, risk management and other applicable personnel as necessary to evaluate the applicability of any such laws and related requirements.*

**NCAA Transgender Student-Athlete Participation Policy
Eligibility Review Form: Section Two**

**See instructions for additional information about submission.*

SECTION TWO. Medical professional confirmation of hormone suppression treatment. To be completed by the attesting medical professional.

Student-Athlete Information.			
Name:		Date of Birth:	
School Name:			

Treating Medical Professional Information.			
Name:		Medical Specialty:	
Business Address:			

Medical Professional Attestation. By completing this form and as evidenced by my signature below, I confirm the accuracy of all of the following statements:

1. I am the licensed medical professional identified above;
2. I have participated as a medical professional in the gender affirming treatment plan of the student-athlete identified above *or* I am the submitting school's athletics health care provider and I am familiar with the student-athlete's gender affirming treatment plan;
and
3. The identified student-athlete has, as of the date identified below, received hormone suppression treatment for at least one calendar year.

Medical Professional Signature:		Date:	
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* Please complete and return this form to the institution identified above in accordance with any instructions provided by the school.

* *NOTE: This form and the information provided herein is intended to be used by the NCAA solely for the purpose of evaluating and determining eligibility to participate in NCAA competition. Some of the information required to be provided in this form may constitute protected information as the same is described in applicable state, federal and international privacy regulations. We encourage you to consult with legal, risk management and other applicable personnel as necessary to evaluate the applicability of any such laws and related requirements.*



**NCAA TRANSGENDER STUDENT-ATHLETE PARTICIPATION POLICY
SPORT-SPECIFIC TESTOSTERONE THRESHOLDS AND CHAMPIONSHIP ELIGIBILITY DEADLINES
2023 FALL SPORTS**

This document provides Phase Two fall sport testosterone thresholds and championship submission deadlines applicable to the 2023-24 academic year. Total serum testosterone thresholds apply to any transgender woman competing on an NCAA women's team.

Note: For academic year 2023-24, established eligibility requirements apply to all NCAA competition, including competition in both the traditional and nontraditional segments and NCAA championships. It is important to understand that this may require the submission of eligibility documentation on multiple occasions. Please see the [eligibility documentation review process](#) for additional information.

Note Also: In addition to meeting applicable threshold eligibility requirements, a transgender student-athlete receiving gender-affirming care that includes an NCAA banned substance is required to comply with the [NCAA Medical Exception Policy](#).

Sport	Approved Testosterone Threshold	Policy Benchmark	Submission Deadline for Championship Eligibility	
Women's Cross Country	<10 nmol/L (<288.18 ng/dL)	USATF	Division I	11/04/2023
			Division II	10/30/2023
			Division III	11/05/2023

Sport	Approved Testosterone Threshold	Policy Benchmark	Submission Deadline for Championship Eligibility	
Field Hockey	<10 nmol/L (<288.18 ng/dL)	2015 IOC (NGB/IF policy not available)	Division I	10/29/2023
			Division II	10/30/2023
			Division III	10/29/2023

Sport	Approved Testosterone Threshold	Policy Benchmark	Submission Deadline for Championship Eligibility
Rugby	<10 nmol/L (<288.18 ng/dL)	USA Rugby	NCAA emerging sport for women. No NCAA championship.

Sport	Approved Testosterone Threshold	Policy Benchmark	Submission Deadline for Championship Eligibility	
Women's Soccer	<10 nmol/L (<288.18 ng/dL)	2015 IOC (NGB/IF policy not available)	Division I	10/30/2023
			Division II	11/06/2023
			Division III	10/30/2023

Sport	Approved Testosterone Threshold	Policy Benchmark	Submission Deadline for Championship Eligibility	
Triathlon	<2.5 nmol/L (<288.18 ng/dL)	World Triathlon	NCAA emerging sport for women. No NCAA championship.	

Sport	Approved Testosterone Threshold	Policy Benchmark	Submission Deadline for Championship Eligibility	
Women's Volleyball	<10 nmol/L (<288.18 ng/dL)	USA Volleyball	Division I	11/19/2023
			Division II	11/13/2023
			Division III	11/05/2023

DOCUMENT KEY:

Approved Total Serum Testosterone Threshold: This is the threshold, approved by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports, that will be used by its CSMAS Medical Review Panel to evaluate the eligibility of a transgender student-athlete intending to compete in a fall sport.

Policy Benchmark: This is the applicable sport-specific policy benchmark considered by CSMAS in the development of corresponding NCAA sport-by-sport total serum testosterone threshold levels. Consistent with NCAA Board of Governors' direction, transgender student-athlete eligibility is to be determined in accordance with the policy established by the national governing body of the applicable sport in which the student-athlete intends to compete. If there is no NGB policy for that sport, eligibility requirements consider the policy established by that sport's international federation. If there is no international federation policy, eligibility requirements will consider the guidelines developed as part of the [November 2015 International Olympic Committee Consensus Meeting on Sex Reassignment and Hyperandrogenism](#).

Deadline for Championship Eligibility: This is the last date (one week prior to the championship selection date) by which the NCAA must receive all required championship eligibility documentation for review by the Medical Review Panel. Please note that annual eligibility documentation must be received not later than one week prior to the student-athlete's initial competition in the traditional or nontraditional segment. This allows the Medical Review Panel sufficient time for review.



**NCAA TRANSGENDER STUDENT-ATHLETE PARTICIPATION POLICY
SPORT-SPECIFIC TESTOSTERONE THRESHOLDS AND CHAMPIONSHIP ELIGIBILITY DEADLINES
2023-24 WINTER SPORTS**

This document provides Phase Two winter sport testosterone thresholds and championship submission deadlines applicable to the 2023-24 academic year. Total serum testosterone thresholds apply to any transgender woman competing on an NCAA women's team.

Note: For academic year 2023-24, established eligibility requirements apply to all NCAA competition, including competition in both the traditional and nontraditional segments and NCAA championships. It is important to understand that this may require the submission of eligibility documentation on multiple occasions. Please see the [eligibility documentation review process](#) for additional information.

Note Also: In addition to meeting applicable threshold eligibility requirements, a transgender student-athlete receiving gender-affirming care that includes an NCAA banned substance is required to comply with the [NCAA Medical Exception Policy](#).

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Basketball	<10 nmol/L (<288.18 ng/dL)	2015 IOC (NGB/IF policy not available)	Division I	03/10/2024
			Division II	03/03/2024
			Division III	02/19/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Bowling	<10 nmol/L (<288.18 ng/dL)	2015 IOC (NGB/IF policy not available)	NC	03/20/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Equestrian	<10 nmol/L (<288.18 ng/dL)	2015 IOC (NGB/IF policy not available)	NCAA emerging sport for women. No NCAA championship.	

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Fencing	<10 nmol/L (<288.18 ng/dL)	USA Fencing	NC	03/05/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Gymnastics	<10 nmol/L (<288.18 ng/dL)	USA Gymnastics	NC	03/18/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Ice Hockey	<5 nmol/L (<144.09 ng/dL)	International Ice Hockey Federation	NC	03/03/2024
			Division III	02/26/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Indoor Track & Field	<10 nmol/L (<288.18 ng/dL)	USATF	Division I	02/20/2024
			Division II	02/20/2024
			Division III	02/25/2024

Sport	Approved Testosterone Threshold	Policy Benchmark
Rifle (Mixed Teams)	No threshold established.	Mixed Team Status negates the need for level.

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Skiing	<10 nmol/L (<288.18 ng/dL)	2015 IOC (NGB/IF policy not available)	NC	02/18/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Swimming & Diving	<5 nmol/L (<144.09 ng/dL)	USA Swimming	Division I	02/28/2024
			Division II	02/21/2024
			Division III	02/21/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Wrestling	<10 nmol/L (<288.18 ng/dL)	USA Wrestling	NCAA emerging sport for women. No NCAA championship.	

DOCUMENT KEY:

Approved Total Serum Testosterone Threshold: This is the threshold, approved by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports, that will be used by its CSMAS Medical Review Panel to evaluate the eligibility of a transgender student-athlete intending to compete in a winter sport.

Policy Benchmark: This is the applicable sport-specific policy benchmark considered by CSMAS in the development of corresponding NCAA sport-by-sport total serum testosterone threshold levels. Consistent with NCAA Board of Governors' direction, transgender student-athlete eligibility is to be determined in accordance with the policy established by the national governing body of the applicable sport in which the student-athlete intends to compete. If there is no NGB policy for that sport, eligibility requirements consider the policy established by that sport's international federation. If there is no international federation policy, eligibility requirements will consider the guidelines developed as part of the [November 2015 International Olympic Committee Consensus Meeting on Sex Reassignment and Hyperandrogenism](#).

Deadline for Championship Eligibility: This is the last date (one week prior to the championship selection date) by which the NCAA must receive all required championship eligibility documentation for review by the Medical Review Panel. Please note that annual eligibility documentation must be received not later than one week prior to the student-athlete's initial competition in the traditional or nontraditional segment. This allows the Medical Review Panel sufficient time for review.



**NCAA TRANSGENDER STUDENT-ATHLETE PARTICIPATION POLICY
SPORT-SPECIFIC TESTOSTERONE THRESHOLDS AND CHAMPIONSHIP ELIGIBILITY DEADLINES
2023-24 SPRING SPORTS**

This document provides Phase Two spring sport testosterone thresholds and championship submission deadlines applicable to the 2023-24 academic year. Total serum testosterone thresholds apply to any transgender woman competing on an NCAA women's team.

Note: For academic year 2023-24, established eligibility requirements apply to all NCAA competition, including competition in both the traditional and nontraditional segments and NCAA championships. It is important to understand that this may require the submission of eligibility documentation on multiple occasions. Please see the [eligibility documentation review process](#) for additional information.

Note Also: In addition to meeting applicable threshold eligibility requirements, a transgender student-athlete receiving gender-affirming care that includes an NCAA banned substance is required to comply with the [NCAA Medical Exception Policy](#).

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility
Acrobatics and Tumbling	<10 nmol/L (<288.18 ng/dL)	USA Gymnastics	NCAA emerging sport for women.

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Beach Volleyball	<10 nmol/L (<288.18 ng/dL)	USA Volleyball	NC	04/21/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Golf	<10 nmol/L (<288.18 ng/dL)	2015 IOC (NGB/IF policy not available)	Division I	04/17/2024
			Division II	04/22/2024
			Division III	05/06/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Lacrosse	<10 nmol/L (<288.18 ng/dL)	USA Lacrosse	Division I	04/28/2024
			Division II	04/28/2024
			Division III	04/29/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Rowing	<5 nmol/L (<144.09 ng/dL)	US Rowing	Division I	05/07/2024
			Division II	05/13/2024
			Division III	05/06/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Softball	<10 nmol/L (<288.18 ng/dL)	WBSC	Division I	05/05/2024
			Division II	04/29/2024
			Division III	05/06/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Tennis	<5 nmol/L (<144.09 ng/dL)	ITF	Division I	04/22/2024
			Division II	04/29/2024
			Division III	04/29/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Outdoor Track & Field	<10 nmol/L (<288.18 ng/dL)	USATF	Division I	05/09/2024
			Division II	05/07/2024
			Division III	05/12/2024

Sport	Approved Testosterone Threshold	Policy Benchmark	Deadline for Championship Eligibility	
Women's Water Polo	<2.5 nmol/L (<72.05 ng/dL)	FINA	NC	04/22/2024

DOCUMENT KEY:

Approved Total Serum Testosterone Threshold: This is the threshold, approved by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports, that will be used by its CSMAS Medical Review Panel to evaluate the eligibility of a transgender student-athlete intending to compete in a spring sport.

Policy Benchmark: This is the applicable sport-specific policy benchmark considered by CSMAS in the development of corresponding NCAA sport-by-sport total serum testosterone threshold levels. Consistent with NCAA Board of Governors' direction, transgender student-athlete eligibility is to be determined in accordance with the policy established by the national governing body of the applicable sport in which the student-athlete intends to compete. If there is no NGB policy for that sport, eligibility requirements consider the policy established by that sport's international federation. If there is no international federation policy, eligibility requirements will consider the guidelines developed as part of the [November 2015 International Olympic Committee Consensus Meeting on Sex Reassignment and Hyperandrogenism](#).

Deadline for Championship Eligibility: This is the last date (one week prior to the championship selection date) by which the NCAA must receive all required championship eligibility documentation for review by the Medical Review Panel. Please note that annual eligibility documentation must be received not later than one week prior to the student-athlete's initial competition in the traditional or nontraditional segment. This allows the Medical Review Panel sufficient time for review.

NCAA Inclusion of Transgender Student-Athletes



Office of Inclusion

AUGUST 2011



Office of Inclusion

As a core value, the NCAA believes in and is committed to diversity, inclusion and gender equity among its student-athletes, coaches and administrators. We seek to establish and maintain an inclusive culture that fosters equitable participation for student-athletes and career opportunities for coaches and administrators from diverse backgrounds. Diversity and inclusion improve the learning environment for all student-athletes and enhance excellence within the Association.

The Office of Inclusion will provide or enable programming and education, which sustains foundations of a diverse and inclusive culture across dimensions of diversity including, but not limited to age, race, sex, national origin, class, creed, educational background, disability, gender expression, geographical location, income, marital status, parental status, sexual orientation and work experiences.

Adopted by the NCAA Executive Committee, April 2010

PRIMARY CONTACTS

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NCAA Inclusion of Transgender Student-Athletes

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The purpose of this resource is to provide guidance to NCAA athletic programs about how to ensure transgender student-athletes fair, respectful, and legal access to collegiate sports teams based on current medical and legal knowledge. It provides best practice and policy recommendations for intercollegiate athletic programs to provide transgender student-athletes with fair and equal opportunities to participate. In addition to specific policy recommendations for college athletics, the resource provides guidance for implementing these policies to ensure the safety, privacy, and dignity of transgender student-athletes as well as their teammates. Specific best practice recommendations are provided for athletic administrators, coaches, student-athletes and the media.

Authors:

Dr. Pat Griffin, Director of Changing the Game: The Gay, Lesbian, Straight Education Network (GLSEN) Sports Project www.sports.glesn.org, Professor Emerita in the Social Justice Education program at the University of Mass. Amherst, former athlete and collegiate coach.

Helen Carroll, Director of the National Center for Lesbian Rights (NCLR) Sports Project www.nclrights.org, former NCAA/NAIA basketball coach and collegiate athletic director at University of North Carolina Asheville and Mills College of Oakland, Ca.

Providing medical advice and understanding of the complexities of the transitioning student-athlete are: **Eric Vilain, M.D., Ph.D.**, Professor of Human Genetics, Pediatrics and Urology, Director of the Center for Gender-Based Biology and Chief of Medical Genetics in the UCLA Department of Pediatrics, member of the International Olympic Committee medical advisory board; **R. Nick Gorton, M.D.**, Emergency Medicine Physician, Sutter Davis Hospital, Primary Care Provider, Lyon- Martin Women's Health Services—San Francisco, Medical-Legal Consultant for transgender health care for Lambda Legal, the Transgender Law Center, the Northwest Justice Project, the New York Legal Aid Society, National Center for Lesbian Rights Sports Project and the Sylvia Rivera Law Project; **Lori Kohler, M.D.**, Medical Director of the Family Health Center at San Francisco General Hospital.

Providing review related to the legal rights of transgender student-athletes in the context of the broader legal status of transgender rights in the United States: Lambda Legal; American Civil Liberties Union; Transgender Law Center; National Center for Transgender Equality; Gay and Lesbian Advocates and Defenders; National Center for Lesbian Rights.

Providing expertise regarding National Collegiate Athletic Association rules, regulations and procedures related to drug testing, eligibility requirements, and gender equity: Karen Morrison, Director for Gender Inclusion Initiatives; Mary Wilfert, Associate Director, Health and Safety.

Providing a voice and sharing the experience of being a transgender student-athlete: Keelin Godsey, Track and Field, Rugby, Bates College, 2006, Northeastern College, 2010; Morgan Dickens, Basketball and Rugby, Cornell University, 2008, Ithaca College, 2009; Kye Allums, Women's Basketball, George Washington University, Class of 2012.



INTRODUCTION

What Does Transgender Mean?

“Transgender” describes an individual whose gender identity (one’s internal psychological identification as a boy/man or girl/woman) does not match the person’s sex at birth. For example, a male-to-female (MTF) transgender person is someone who was born with a male body, but who identifies as a girl or a woman. A female-to-male (FTM) transgender person is someone who was born with a female body, but who identifies as a boy or a man.¹

It is important that all people recognize and respect the transgender person’s identification as a man or a woman. In order to feel comfortable and to express their gender identity, transgender people may take a variety of steps: changing their names and self-referencing pronouns to better match their gender identity; choosing clothes, hairstyles, or other aspects of self-presentation that reflect their gender identity; and generally living, and presenting themselves to others, consistently with their gender identity. Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity.

Some people are confused by the difference between transgender people and people who have intersex conditions. The key feature of being transgender is having a psychological identification as a man or a woman that differs from the person’s sex at birth. Apart from having a gender identity that is different than their bodies, transgender people are not born with physical characteristics that distinguish them from others. In contrast, people with intersex conditions (which may also be called a “Disorders of Sex Development”), are born with physically mixed or atypical bodies with respect to sexual characteristics such as chromosomes, internal reproductive organs and genitalia, and external genitalia.²

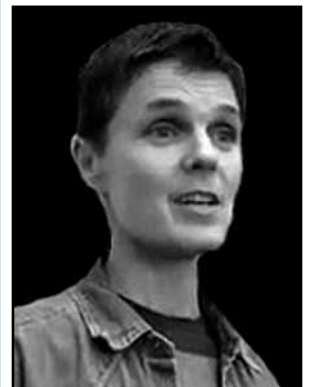
An increasing number of high school- and college-aged young people are identifying as transgender (or trans), meaning that their internal sense of their gender identity is different from the gender they were assigned at birth. These students challenge educators to rethink an understanding of gender as universally fixed at birth. Educators must be open to this challenge to create educational institutions that value and meet the needs of all students. Once we recognize that transgender young people are part of school communities across the United States, educational leaders have a responsibility to ensure that these students have access to equal opportunities in all academic and extracurricular activities in a safe and respectful school environment.

For a more complete list of definitions and terms related to transgender people, refer to Appendix A.

STEPHANIE BRILL

Executive Director, Gender Spectrum

“There are more and more transgender children today who, even at young ages, are allowed to live their lives in alignment with who they are. As it becomes common medical procedure to allow these children to transition in childhood, athletic policies need to reflect this change in the landscape of student-athletes.”



Athletics programs are widely accepted as integral parts of the college experience. The benefits of athletics participation include many positive effects on physical, social, and emotional well-being. Playing sports can provide student-athletes with important lessons about self-discipline, teamwork, success, and failure—as well as the joy and shared excitement that being a member of a sports team can bring.

For some students, playing on collegiate sports teams leads to future careers in athletics as competitors, coaches, administrators, and athletic trainers. All students, including those who are transgender, deserve access to these benefits.

Though the needs of transgender college students have received some attention in recent years, this issue has not been adequately addressed in the context of athletics. Few collegiate athletics programs, administrators, or coaches have been prepared to fairly, systematically, and effectively address a transgender student's interest in participating in athletics. The majority of intercollegiate athletics programs have no policy governing the inclusion of transgender student-athletes, and most coaches have not received any direction for accommodating a transgender student who wants to play on a sports team. In fact, most intercollegiate athletics programs have not received the information to address even basic accommodations such as knowing what pronouns or names to use when referring to a transgender student, where a transgender student should change clothes for practice or competition, or what bathroom or shower that student should use.

The best practices and recommended policies within this resource will provide athletics administrators and others involved in intercollegiate athletics with the information and tools to support participation of transgender student-athletes and create environments that respect students from all backgrounds.

PART ONE

Overview

This section provides an overview of issues related to providing participation opportunities for transgender student-athletes by addressing the following questions:

- Why must we address transgender issues in athletics?
- Why focus on college athletics?
- Should the participation of transgender student-athletes raise concerns about competitive equity?
- What are the benefits of adopting fair and inclusive policies?

Why Must We Address Transgender Issues in Collegiate Athletics Programs?

Educators must address transgender issues in athletics for several reasons. First and foremost, core values of equal opportunity and inclusion demand that educational leaders adopt thoughtful and effective policies that enable all students to participate fully in intercollegiate athletics programs. Over the course of many years, schools have learned and continue to appreciate the value and necessity of accommodating the sport participation interests of students of color, women, students with disabilities, and lesbian, gay, and bisexual students. These are all issues of basic fairness and equity that demand the expansion of our thinking about equal opportunity in sports. The right of transgender students to participate in sports calls for similar considerations of fairness and equal access.

Additionally, as more states, localities, and schools add gender identity and expression to their non-discrimination policies, and as more courts hold that sex discrimination laws protect transgender people, transgender students and their parents are increasingly empowered to insist that athletics programs accommodate transgender students (see Part Four: Appendix C for a compilation of state and federal laws, regulations, and legal decisions prohibiting discrimination based on gender identity/expression). To avoid decision-making that perpetuates discrimination, school leaders must be proactive in adopting policies that are consistent with school non-discrimination policies and state and federal laws prohibiting discrimination based on gender identity or expression (see Appendix A for definitions of gender identity and gender expression).

Though the number of transgender students is small, research indicates that their number is growing.³ As the number of people who come out as transgender as teenagers and children increases, so too do the numbers of parents who support their transgender children and advocate for their rights to safety and fair treatment. In response to these demands, college leaders must be prepared to accommodate the educational needs and protect the rights of transgender students.

To respond to these realities, athletics conferences and individual universities/colleges are well advised to proactively adopt policies and best practices that provide equal opportunities for transgender students to participate on sports teams. Moreover, in the spirit of encouraging sports participation for all, it is the right thing to do.

In order to design effective policies, educators must understand that gender is a core part of everyone's identity and that gender is more complex than our society generally acknowledges. Learning about the experience of transgender people can help us to see more clearly how gender affects all of our lives, and to put that knowledge into practice in order to better serve all students.

Addressing the needs of transgender students is an important emerging equal opportunity issue that must be taken seriously by school leaders. Because a more complex understanding of gender may be new and

challenging for some people, there is a danger that misinformation and stereotypes rather than accurate and up-to-date information will guide policy decisions. Campus and athletics administrators who are charged with policy development need guidance to avoid including misconceptions and misinformation in policies that, ultimately, create more problems than they solve.

Lea Robinson

Associate Director, Office of Multicultural Affairs, Columbia University
American Association of University Women (AAUW)
(former coach and athlete)

“During my coaching career, there was little discussion of the existence of transgender student-athletes and few resources for those student-athletes that did identify as transgender.

In my own experience, the few students that I did suspect may have identified as transgender weren’t really able to come out in those settings because of a lack of support within their athletic communities as well as a real lack of resources, education, and safe spaces.

I believe that the implementation of supportive policies would signify a commitment to the support and acceptance of transgender-identified student-athletes and coaches, and aid in creating more spaces for dialogue and education within the culture of athletics regarding issues and challenges facing transgender student-athletes.

Those policies will also give transgender student-athletes and coaches the guidance, support, encouragement, and sense of safety they need to pursue what can sometimes be a very difficult journey.”



Why Focus on College Athletics?

Providing equal opportunities in all aspects of school programming is a core value in education. As an integral part of higher educational institutions, college athletics programs are responsible and accountable for reflecting the goals and values of the educational institutions of which they are a part. It follows that athletics programs must reflect the value of equal opportunity in all policies and practices.

A core purpose of college is to teach students how to participate and be good citizens in an increasingly diverse society and how to interact respectfully with others. In addition, college athletics programs impose limits on how many years a student-athlete can compete that do not exist in adult sporting competitions, where athletes can compete as long as their performances are viable or, in the case of most amateur sports, as long as they wish to. Intercollegiate athletics provides a unique opportunity to provide participation opportunities for all students regardless of race, religion, sexual orientation or gender expression.

As a core value, the NCAA believes in and is committed to diversity, inclusion and gender equity among its student-athletes, coaches and administrators. The NCAA seeks to establish and maintain an inclusive culture that fosters equitable participation for student-athletes and career opportunities for coaches and administrators from diverse backgrounds. Diversity and inclusion improve the learning environment for all student-athletes and enhance excellence within the Association.

The NCAA Office of Inclusion provides or enables programming and education, which sustains foundations of a diverse and inclusive culture across dimensions of diversity including, but not limited to age, race, sex, class, national origin, creed, educational background, disability, gender expression, geographical location,

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income, marital status, parental status, sexual orientation and work experiences. In keeping with those values of inclusion, the NCAA encourages thoughtful development of policies and practices that provide fair participation opportunities for all student-athletes, including transgender individuals.

Should the Participation of Transgender Student-Athletes Raise Concerns About Competitive Equity ?

Concern about creating an “unfair competitive advantage” on sex-separated teams is one of the most often cited reasons for resistance to the participation of transgender student-athletes. This concern is cited most often in discussions about transgender women competing on a women’s team. Some advocates for gender equality in college sports are concerned that allowing transgender women—that is, male-to-female transgender athletes who were born male, but who identify as female—to compete on women’s teams will take away opportunities for women, or that transgender women will have a competitive advantage over other women competitors.

These concerns are based on three assumptions: one, that transgender women are not “real” women and therefore not deserving of an equal competitive opportunity; two, that being born with a male body automatically gives a transgender woman an unfair advantage when competing against non-transgender women; and three, that men might be tempted to pretend to be transgender in order to compete in competition with women.

These assumptions are not well founded. First, the decision to transition from one gender to the other—to align one’s external gender presentation with one’s internal sense of gender identity—is a deeply significant and difficult choice that is made only after careful consideration and for the most compelling of reasons. Gender identity is a core aspect of a person’s identity, and it is just as deep seated, authentic, and real for a transgender person as for others. Male-to-female transgender women fully identify and live their lives as women, and female-to-male transgender men fully identify and live their lives as men.

Second, some people fear that transgender women will have an unfair advantage over non-transgender women. It is important to place that fear in context.

Transgender girls who medically transition at an early age do not go through a male puberty, and therefore their participation in athletics as girls does not raise the same equity concerns that arise when transgender women transition after puberty.

Transgender women display a great deal of physical variation, just as there is a great deal of natural variation in physical size and ability among non-transgender women and men. Many people may have a stereotype that all transgender women are unusually tall and have large bones and muscles. But that is not true. A male-to-female transgender woman may be small and slight, even if she is not on hormone blockers or taking estrogen. It is important not to overgeneralize. The assumption that all male-bodied people are taller, stronger, and more highly skilled in a sport than all female-bodied people is not accurate.⁴

DR. NICK GORTON

***American Board of Emergency Medicine, Medical Legal Consultant,
Trans Health Care***

“Transgender student-athletes fall within the spectrum of physical traits found in athletes of their transitioned gender, allowing them to compete fairly and equitably.”



It is also important to know that any strength and endurance advantages a transgender woman arguably may have as a result of her prior testosterone levels dissipate after about one year of estrogen or testosterone-suppression therapy. According to medical experts on this issue, the assumption that a transgender woman competing on a women's team would have a competitive advantage outside the range of performance and competitive advantage or disadvantage that already exists among female athletes is not supported by evidence.

Finally, fears that men will pretend to be female to compete on a women's team are unwarranted given that in the entire 40 year history of "sex verification" procedures in international sport competitions, no instances of such "fraud" have been revealed.⁵ Instead, rather than identifying men who are trying to fraudulently compete as women, "sex verification" tests have been misused to humiliate and unfairly exclude women with intersex conditions.⁶ The apparent failure of such tests to serve their stated purpose of deterring fraud—and the terrible damage they have caused to individual women athletes—should be taken into account when developing policies for the inclusion of transgender athletes.

Educators in collegiate athletics programs must develop thoughtful and informed practices that provide opportunities for all students, including transgender students, to participate in sports. These practices must be based on sound medical science, which shows that male-to-female transgender athletes do not have any automatic advantage over other women. These practices must also be based on the educational values of sport and the reasons why sport is included as a vital component of the educational environment: promoting the physical and psychological well-being of all students, and teaching students the values of equal opportunity, participation, inclusion, teamwork, discipline, and respect for diversity.

What Are the Benefits of Adopting Inclusive Practices Regarding Transgender Student-Athletes?

All stakeholders in NCAA athletics programs will benefit from adopting fair and inclusive practices enabling transgender student-athletes to participate on school sports teams. School-based sports, even at the most competitive levels, remain an integral part of the process of education and development of young people, especially emerging leaders in our society. Adopting fair and inclusive participation practices will allow school and athletics leaders to fulfill their commitment to create an environment in which all students can thrive, develop their full potential, and learn how to interact with persons from diverse groups.

JILL PILGRIM

***Precise Advisory Group, Principal Counsel
Former General Counsel & Drug Testing Program Administrator
Ladies Professional Golf Association***

"Colleges need to adopt transgender student-athlete accommodation policies to remedy the silent suffering of young people who have the right to participate and enjoy the same activities that all other students have access to, without being discriminated against."



Many schools and athletics departments identify diversity as a strength and have included sexual orientation and gender identity/expression in their non-discrimination policies. Athletics departments and personnel are responsible for creating and maintaining an inclusive and non-discriminatory climate in the areas they oversee. Adopting inclusive participation practices provides school athletics administrators with a concrete opportunity to fulfill that mandate and demonstrate their commitment to fair play and inclusion.

Moreover, when all participants in athletics are committed to fair play, inclusion, and respect, student-athletes are free to focus on performing their best in athletic competition and in the classroom. This climate promotes the well-being and achievement potential of all student-athletes. Every student-athlete and coach will benefit from meeting the challenge of overcoming fear and prejudice about social groups of which they are not members. This respect for difference will be invaluable to all student-athletes as they graduate and enter an increasingly diverse workforce in which knowing how to work effectively across differences is a professional and personal asset.

The benefits of school sports participation include many positive effects on physical, social, and emotional well-being. All students, including those who are transgender, deserve access to these benefits.⁷ *When athletics departments adopt inclusive policies, they are living up to the educational values of equality that join them with the broad institutional and societal ideal of inclusion and respect for differences.*

PART TWO

Recommendations for Including Transgender Student-Athletes

This section of the resource includes:

- Guiding Principles
- Recommended Policy for College Athletics
- Additional Guidelines for Transgender Student-Athlete Inclusion

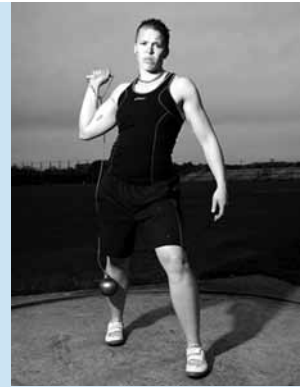
Guiding Principles

Policies governing the participation of transgender student-athletes should be informed by the following principles, and be included in the institution's transgender student-athlete policy statement:

1. Participation in intercollegiate athletics is a valuable part of the education experience for all students.
2. Transgender student-athletes should have equal opportunity to participate in sports.
3. The integrity of women's sports should be preserved.
4. Policies governing sports should be based on sound medical knowledge and scientific validity.
5. Policies governing sports should be objective, workable, and practicable; they should also be written, available and equitably enforced.
6. Policies governing the participation of transgender students in sports should be fair in light of the tremendous variation among individuals in strength, size, musculature, and ability.
7. The legitimate privacy interests of all student-athletes should be protected.
8. The medical privacy of transgender students should be preserved.
9. Athletics administrators, staff, parents of athletes, and student-athletes should have access to sound and effective educational resources and training related to the participation of transgender and gender-variant students in athletics.
10. Policies governing the participation of transgender students in athletics should comply with state and federal laws protecting students from discrimination based on sex, disability, and gender identity and expression.

Policy Recommendations for Collegiate Athletics

Policy development governing the inclusion of transgender student-athletes is an emerging endeavor. As new research on the participation of transgender athletes and the physiological effects of gender transition on athletic performance becomes available, policies may need to be re-evaluated to ensure that they reflect the most current research-based information.

KEELIN GODSEY***Former Student-Athlete, Bates College 2006, Northeastern College, 2010***

I was 18 when I started to figure out I was transgender, but the thought of telling anyone was absolutely frightening. I didn't have the support system I needed and I didn't know how it would impact my track and field career.

I started researching rules and regulations for transgender athletes, and while I was able to find a policy from the International Olympic Committee, I couldn't find anything that would apply to me at the collegiate level. I later found out it was because they didn't have any policies.

I also tried to find information about transgender athletes, which, at the time, was like trying to find a needle in a haystack. I became very fearful that you couldn't be transgender and a champion collegiate athlete at the same time. This fear, the lack of policies and information about successful transgender athletes, and the fact that I was the track team's biggest scorer and a national contender each year, caused me to hold off on coming out as transgender for almost three years. I was so afraid of losing everything I had worked so hard to accomplish in track and field and that I would no longer be able to compete in something that defined me as much as being transgender does.

But by the end of my junior year I couldn't hide who I was anymore. I felt I had no choice but to face the consequences head on and come out as FTM. I was afraid if I didn't, I wouldn't make it through my senior year. I started by coming out to a professor/mentor. This wasn't too hard, but I knew that I had to come out to the athletic director, and that getting his/ her support was imperative in order for my "transition" of names and pronouns to work and my continued participation on the women's track and field team to go smoothly.

At the time, my track team had a new head coach, and I was really nervous about how she was going to respond. But after having a long talk with her it was clear that she understood and that she was there to help. Together, we were able to think through how my coming out might affect the team, and come up with the best plan for telling my teammates. When I came out to the team, I wasn't met with the fear and hate that I was expecting. In fact, it was the complete opposite. My team was awesome. The only thing that was said was, "Please forgive us if we slip on the pronouns while we adjust." And, to tell the truth, I don't think I ever once heard them slip up on pronouns.

Everyone's biggest concern was how my transition was going to be received outside of Bates, as, at that time, the NCAA didn't have any rules or guidelines about transgender athletes. Since I was already a national champion in the Women's Hammer Throw, as well as holding the DIII national record as an 11-time all-American, we knew my coming out was very much going to be a public event. Unfortunately, things went less smoothly off-campus than on. I was extremely lucky though to have the support of my teammates and my coach, who helped me succeed despite all of the outside stresses I experienced as an FTM competing at the national level on a women's team. My teammates were the first to defend me when people were being hateful, when the media was stalking me or when I was repetitively accused of cheating despite all of my clean drug (testosterone) tests. I had chosen to forego any medical transitioning to remain on my women's team. My team was also there to share in the positive things that happened as a result of my coming out.

NCAA Bylaws related to hormonal treatment and mixed teams.

Two areas of NCAA regulations can be impacted by transgender student-athlete participation: use of banned substances and mixed team status.

A mixed team is a varsity intercollegiate sports team on which at least one individual of each gender competes. (*Revised: 5/8/06*). NCAA Bylaw 18.02.2 for purposes of meeting the required minimums set forth in Bylaws 18.2.3 and 18.2.4, a mixed team shall be counted as one team. A mixed team shall count toward the minimum sponsorship percentage for men's championships.

- NCAA rules state that a male participating in competition on a female team makes the team a "mixed team." The mixed team can be used for sports sponsorship numbers (provided other conditions, such as being an acceptable NCAA sport, outlined in Bylaw 20.9 (Division I), 20.10 (Division II) and 20.11 (Division III) are met) and counts toward the mixed/men's team minimums within the membership sports-sponsorship requirements. Such a team is ineligible for a women's NCAA championship but is eligible for a men's NCAA championship.
- A female on a men's team does not impact sports sponsorship in the application of the rule—the team still counts toward the mixed/men's numbers. Such a team is eligible for a men's NCAA championship.
- Once a team is classified as a mixed team, it retains that status through the remainder of the academic year without exception.

NCAA Bylaw 31.2.3 identifies testosterone as a banned substance, and provides for a medical exception review for demonstrated need for use of a banned medication. It is the responsibility of the NCAA institution to submit the request for a medical exception (see www.ncaa.org/drugtesting) for testosterone treatment prior to the student-athlete competing while undergoing treatment. In the case of testosterone suppression, the institution must submit written documentation to the NCAA of the year of treatment and ongoing monitoring of testosterone suppression.

NCAA Policy on Transgender Student-Athlete Participation

The following policies clarify participation of transgender student-athletes undergoing hormonal treatment for gender transition:

1. A trans male (FTM) student-athlete who has received a medical exception for treatment with testosterone for diagnosed Gender Identity Disorder or gender dysphoria and/or Transsexualism, for purposes of NCAA competition may compete on a men's team, but is no longer eligible to compete on a women's team without changing that team status to a mixed team.
2. A trans female (MTF) student-athlete being treated with testosterone suppression medication for Gender Identity Disorder or gender dysphoria and/or Transsexualism, for the purposes of NCAA competition may continue to compete on a men's team but may not compete on a women's team without changing it to a mixed team status until completing one calendar year of testosterone suppression treatment.⁸

ERIC VILAIN

M.D., Ph.D., Professor, Director of the Center for Gender-Based Biology and Chief Medical Genetics Department of Pediatrics, UCLA

“Research suggests that androgen deprivation and cross sex hormone treatment in male-to-female transsexuals reduces muscle mass; accordingly, one year of hormone therapy is an appropriate transitional time before a male-to-female student-athlete competes on a women's team.”



Any transgender student-athlete who is not taking hormone treatment related to gender transition may participate in sex-separated sports activities in accordance with his or her assigned birth gender.

- A trans male (FTM) student-athlete who is not taking testosterone related to gender transition may participate on a men's or women's team.
- A trans female (MTF) transgender student-athlete who is not taking hormone treatments related to gender transition may not compete on a women's team.

Additional considerations

The student's responsibilities

1. In order to avoid challenges to a transgender student's participation during a sport season, a student-athlete who has completed, plans to initiate, or is in the process of taking hormones as part of a gender transition should submit the request to participate on a sports team in writing to the director of athletics upon matriculation or when the decision to undergo hormonal treatment is made.
2. The request should include a letter from the student's physician documenting the student-athlete's intention to transition or the student's transition status if the process has already been initiated. This letter should identify the prescribed hormonal treatment for the student's gender transition and documentation of the student's testosterone levels, if relevant.

The school's responsibilities

1. The director of athletics should meet with the student to review eligibility requirements and procedure for approval of transgender participation.
2. If hormone treatment is involved in the student-athlete's transition, the director of athletics should notify the NCAA of the student's request to participate with a medical exception request.
3. To assist in educating and in development of institutional policy and practice, a Transgender Participation Committee should be established. Members of the committee should represent a cross section of the institutional staff with student well-being interests, and include representation from the following departments: office of general counsel, health and counseling, faculty/academic affairs, and athletics.
4. All discussions among involved parties and required written supporting documentation should be kept confidential, unless the student-athlete makes a specific request otherwise. All information about an individual student's transgender identity and medical information, including physician's information provided pursuant to this policy, shall be maintained confidentially.

PART THREE

Best Practices and Guidelines for Inclusion of Transgender Student-Athletes

Part Three describes best practices — the actions that coaches, administrators and student-athletes can take to assure the inclusion of transgender student-athletes. Although these practices specifically address transgender student-athletes, they can be used to address discrimination based on other factors as well, such as race, religion, class, and sexual orientation.

The first part of this section describes general best practices for everyone. The next sections identify best practices recommended specifically to athletics administrators, coaches, student-athletes, and athletics staff who interact with the media.

MORGAN DICKENS

***Former Basketball, Rugby Student-Athlete,
Cornell University 2008, Ithaca College 2009***

“There are differences between being male and female, but being gender fluid doesn’t mean I reject these differences, it just means I’m rejecting the idea that I have to be defined one way or another. The clear delineation between male and female in the sporting world doesn’t leave room for someone like me. When I started presenting in a more masculine way, I was ostracized in girls’ locker rooms, told I was in the wrong bathroom, and even once had my gender questioned during a co-ed intramural football game. Because athletics are such an important part of my life, I deal with these and other inequalities and misunderstandings. While I’m prepared to handle it, my concern is there aren’t many other people out there who are prepared and willing to engage in a dialogue about the presence of gender fluid athletes in sport.”



Overall Best Practices

1. **Provide Equal Opportunity** — Colleges and universities often have legal obligations to provide equal opportunity to student-athletes and to personnel, including coaches. All those involved in athletics should be aware of these obligations, and treat them as core values, guiding policies and practices. Transgender discrimination may be a part of a systemic problem where the broader environment is unfriendly or discriminatory toward lesbian, gay, bisexual, and transgender people. This can negatively affect all men and women who participate in athletic competition. If discrimination is accepted as part of the common practices of an athletics department, this will undermine the core principle of equal opportunity.
2. **Value Diversity** — In creating guidelines or best practices for including transgender student-athletes, it is important to place this conversation in the context of the athletics department’s broad commitments to safety, fairness, and respect for all participants. It helps when athletics department leadership, including coaches, value all aspects of diversity. Collegiate athletics provides an opportunity for students to compete with and against others who come from different races, cultures, religions, sexual

orientations, gender identities and expressions, and social classes, but all of whom share the common goal of achieving athletic excellence. Valuing this common ground enhances the social and competitive experience for all. Athletics administrators should make their commitment to valuing diversity explicit in media interviews and other public speaking opportunities as well as in meetings with athletics department staff. That diversity-valuing approach then shapes and informs activities throughout the athletics department and is conveyed to coaches and student-athletes. Everyone should also understand how these core values are important to team success and to individual team member development. Teams that value each member's contribution to the unit, while respecting individual differences, provide a foundation for the whole team and each member of the team to focus on achieving their athletic and academic goals.

3. **Establish policy** — When diversity values are explicit, athletics departments, institutions, state, and national governing organizations are in a position to develop specific policy statements that reflect a commitment to these values. These policy statements, if followed, protect schools, administrators, student-athletes, and coaches from litigation and other negative consequences. Coaches should know that they may have a transgender student-athlete on their teams and should be equipped to make that experience a positive one for the athlete and teammates. Parents should communicate the importance of these values in meetings with prospective coaches and athletics administrators. Student-athletes can discuss these values with new team members and in public speaking opportunities.

LAURIE PRIEST

*Chair of Physical Education and Director of Athletics,
Mt. Holyoke College*

“It is imperative that administrators and coaches provide a safe and inclusive environment so that all student-athletes can participate and achieve success. Being aware of appropriate laws can help us to develop policies and implement practices to assure that all of our students are treated with respect.”



Best Practices for Athletics Administrators

Best practices for athletics administrators focus on policy development, discrimination prevention, education, enforcement procedures, and consequences. These best practices will be helpful to a wide range of athletics administrators in organizations including colleges and universities, collegiate sport-governing organizations, coaches associations, and athletics conferences.

1. If the school does not have an inclusive non-discrimination and harassment policy, work with other school administrators to adopt a policy that includes gender identity and expression.
2. Respect the right to privacy of all student-athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
3. Become knowledgeable about collegiate non-discrimination and harassment policies that include gender identity and expression.
4. Include gender identity and expression in departmental non-discrimination statements on all official department documents and web sites.
5. Become aware of state and federal non-discrimination laws that prohibit discrimination based on gender identity and expression (see Part 4 Appendix C for a list of relevant federal and state laws).
6. Adopt an effective and fair athletics departmental policy addressing the participation of transgender

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student-athletes that is consistent with school policy and state or federal non-discrimination laws.

7. Educate all members of the athletics department community (including staff, student-athletes, and parents) about departmental and school policy regarding the participation of transgender student-athletes in athletics.
8. Educate yourself about transgender identity, preferred terminology, and current scientific perspectives on the participation of transgender student-athletes on men's and women's sports teams.
9. Work with athletics conferences of which your school is a member to adopt fair and effective policies governing the participation of transgender student-athletes.
10. Recommend that your athletics conference sponsor educational programs for coaches and student-athletes on the inclusion of transgender student-athletes, preferred terminology, and understanding transgender identity.
11. Recommend that professional associations for athletics administrators sponsor educational programs on the inclusion of transgender student-athletes, preferred terminology, understanding transgender identity, and adopting fair and effective policies.
12. Educate all members of the sports information department about transgender identity, preferred terminology, department policies governing the participation of transgender student-athletes, and confidentiality requirements when discussing transgender student-athlete participation with the media.

Best Practices for Coaches

Best practices for coaches focus on acquiring knowledge about transgender student-athletes, understanding legal and ethical obligations, maintaining professional conduct, and ensuring that those with whom coaches work are also educated and aware of these issues.

1. Become knowledgeable about school non-discrimination and harassment policies that include gender identity and expression.
2. Become knowledgeable about departmental and school policy regarding the participation of transgender student-athletes in athletics.
3. If your department does not have a policy addressing the participation of transgender student-athletes, ask your athletic director to adopt one.
4. Educate student-athletes on your team about transgender identity, preferred terminology, and departmental/school policies regarding the participation of transgender student-athletes on sports teams.
5. Be prepared to talk with parents of student-athletes about transgender student-athletes' participation on school teams.
6. Use respectful and preferred language and terminology when discussing transgender student-athlete participation or interacting with a transgender student-athlete.
7. Anticipate and address transgender student-athlete access issues proactively and in accordance with departmental policy regarding locker room use, toilet and shower availability, hotel room assignment, uniforms and dress codes.
8. Recommend that coaches associations to which you belong adopt fair and effective policy statements addressing the participation of transgender student-athletes.
9. Recommend that coaches associations to which you belong sponsor educational programs addressing the participation of transgender student-athletes.
10. If you are aware of discriminatory or harassing behavior from opposing teams or spectators based on the perceived or actual gender identity or expression of a student-athlete, talk to the opposing coach and ask your director of athletics to talk with the opposing school's athletic director.
11. Respect the right to privacy of all student-athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.

JENNIFER ‘JAY’ HARTSHORN*Track and Field Coach, Bates College*

“I think it’s important for us to be aware there are transgender student-athletes who want to compete, and with a little preparation, including transgender athletes isn’t a big deal.”

***Best Practices for Student-Athletes***

Best practices for student-athletes who have transgender teammates focus on respectful behavior, safety, and valuing diversity.

1. Use respectful and preferred language and terminology when discussing transgender student-athlete participation or interacting with a transgender teammate.
2. Become familiar with departmental and school policy governing the participation of transgender student-athletes in athletics.
3. Learn about school non-discrimination and harassment policies that include gender identity and expression.
4. Encourage other student-athletes to use respectful language when discussing transgender issues in sports or interacting with a transgender student-athlete.
5. Respect the right to privacy of all student-athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression.
6. Ask your coach and director of athletics for team and departmental educational training concerning transgender student-athlete participation.
7. If taunting or harassment from spectators or opponents occurs during competition, take the approach that these actions are never acceptable for any reason including taunting or harassment based on gender identity or expression. Make your coaches aware of discriminatory or harassing behavior and ask them to arrange a meeting with the opposing school’s director of athletics to address this behavior.
8. Ask your student-athlete advisory committee to plan an activity that focuses on the participation of transgender athletes in sports and frame the issue as one of equal opportunity in sports and fair treatment for all.

KYE ALLUMS, 2008-11, CLASS OF 2012*Women's NCAA Division I Basketball Student-Athlete**George Washington University*

Coming to the realization that I am a transgender man has been an incredible and mind-blowing experience. I had to overcome a lot of mental blocks to get there, but when I got to college and had my first taste of independence, I was finally able to come to terms with how I truly felt and what I needed.

Growing up, I felt that I had to hide a part of my self from my family because of my mother's strong beliefs against homosexuality. That was really stressful for me. After I graduated from high school, I moved away from my family. That gave me the space to figure out who I am, which turned out to be the best thing that ever happened to me.

When I first had the feeling of being uncomfortable when someone would call me a "lady," I did some research to try to figure out what that feeling could possibly mean. The first thing that I came across was the term "transsexual," which is when a person's sex doesn't match their gender identity and they have taken the steps possible, like surgery and hormones, so that their sex and gender will match. I read about many different terms and definitions and the one that I could relate to the most was "transgender," which just means that your gender and your body don't match.

After I had a word to describe what I was feeling, I started getting extremely distressed when other people would refer to me as "she," or hearing people refer to me and a group of women as "ladies," or seeing the label "women's" outside my locker room. The feeling of having someone call you something that you know you are not is the most frustrating, uncomfortable feeling ever. During my first and second year of college, I kept hearing those terms applied to me and feeling worse and worse about it. A pain built up in my stomach and chest as if there were a ton of bricks weighing on me and my emotions. I felt trapped and miserable—I learned that the medical term is "dysphoric"—because I could not escape the way people saw me, because the body that I was born in did not match my gender.

Even though I was feeling so bad, it was very hard for me to build up enough courage to say anything, because I was afraid that other people wouldn't accept me. After freshmen year I told my closest teammates that I identify as a guy. At first they laughed and thought it was a joke, and I couldn't bring myself to correct them. But over time, it got to the point where it was unbearable to keep living like this. For a while I felt like I had to choose between playing basketball or quitting to transition into the person I want to become. But I didn't want to walk out on playing a game that I love, and that has afforded me a full scholarship to pay for my education. So I finally began correcting my friends and teammates every time they would refer to me as "she" or "her."

When my friends and close teammates saw the pain and sadness it caused me when people referred to me using female pronouns, they began to use male pronouns and to correct others for me. Their respect for what I wanted to be called meant the world to me and still does. Without their support I would not be playing basketball right now.

My teammates' support made a huge difference, but of course they could not be with me all the time to correct everyone. I didn't feel comfortable correcting people on my own all the time, because I would have to explain the entire story of why I wanted to be called a guy. I felt depressed by the constant reminders that I was "Ms. Allums" every time I had to show my identification: at the doctor's office, the gym, the bank, restaurants, stores, and pretty much anywhere I went.

So I decided to take the steps needed to get my name changed so I could have some kind of tangible proof that I was becoming the man I knew I was. That process took four months, and it was very difficult and time-consuming, but the day it was done I was the happiest guy alive.

The happiness wore off the next day, though, when I heard my coaches still using female pronouns. I knew then that it wasn't enough to only tell my closest friends—I had to tell everyone that I talked to on a daily basis. Once I made the difficult decision to tell my coaches, the rest of my teammates, and my family, I received nothing but support from them, which has been irreplaceable. With the love and respect of the people around me, I no longer feel like I have to choose between being true to myself and staying in school playing the sport I love.

Best Practices for Athletics Staff Interacting With Media About Transgender Student-Athlete Issues

Best practices for interacting with the media focus on the importance of understanding basic information about transgender identity, preferred terminology, and respecting confidentiality of student-athletes.

1. The school or athletics department should provide training to all athletics staff who may interact with the media.
2. Respect the confidentiality of all student-athletes when discussing transgender issues with the media and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
3. Use appropriate language in media interviews or presentations and insist that this terminology be used in media reports on transgender issues in athletics.
4. Focus on the importance of providing equal opportunities for all students to participate in athletics.
5. Describe how departmental policies provide equal opportunities for all students to participate in athletics.

Additional Guidelines for Transgender Student-Athlete Inclusion

The following additional guidelines will assist colleges, athletics departments, coaches, teams, and student-athletes in creating an environment in which all student-athletes are safe and fairly treated.

Facilities Access

1. **Changing Areas, Toilets, Showers** — Transgender student-athletes should be able to use the locker room, shower, and toilet facilities in accordance with the student's gender identity. Every locker room should have some private, enclosed changing areas, showers, and toilets for use by any athlete who desires them. When requested by a transgender student-athlete, schools should provide private, separate changing, showering, and toilet facilities for the student's use, but transgender students should not be required to use separate facilities.
2. **Competition at Another School** — If a transgender student-athlete requires a particular accommodation to ensure access to appropriate changing, showering, or bathroom facilities, school leaders, athletic directors, and coaches, in consultation with the transgender student-athlete, should notify their counterparts at other schools prior to competitions to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student's confidentiality. Under no circumstances should a student-athlete's identity as a transgender person be disclosed without the student's express permission.
3. **Hotel Rooms** — Transgender student-athletes generally should be assigned to share hotel rooms based on their gender identity, with a recognition that any student who needs extra privacy should be accommodated whenever possible.

Language

1. **Preferred Names** — In all cases, teammates, coaches and all others in the school should refer to transgender student-athletes by a student's preferred name.
2. **Pronouns** — Similarly, in all cases, pronoun references to transgender student-athletes should reflect the student's gender and pronoun preferences.

Dress Codes and Team Uniforms

1. **Dress Codes**—Transgender student-athletes should be permitted to dress consistently with their gender identities. That is, a female-to-male transgender athlete should be permitted to dress as a male. A male-to-female should be permitted to dress as a female.
For reasons unrelated to trans-inclusion, schools should evaluate the necessity of gendered dress codes

and recognize that they tend to marginalize a range of students who may not feel comfortable with them. Dress codes for athletic teams when traveling or during a game day at school should be gender-neutral. Instead of requiring a girls' or women's team to wear dresses or skirts, for example, ask that team members wear dresses or slacks that are clean, neat, well cared for and appropriately "dressy" for representing their school and team.

2. Uniforms — All team members should have access to uniforms that are appropriate for their sport and that they feel comfortable wearing. No student should be required to wear a gendered uniform that conflicts with the student's gender identity.

Education

1. Institutions — All members of the university community should receive information and education about transgender identities, institutional and conference non-discrimination policies, the use of preferred names and pronouns, and expectations for creating a respectful team and school climate for all students, including transgender and gender-variant students.
2. Athletics Conference Personnel — Athletics conference leaders should be educated about the need for policies governing the participation of transgender student-athletes, develop such policies, and ensure that all schools in the conference understand and adopt the policies.
3. Opposing Teams/Universities — Without violating a transgender student's confidentiality or privacy, school leaders, athletic directors, and coaches should communicate with their counterparts at other schools prior to competitions in which a transgender athlete is participating about expectations for treatment of transgender student-athletes on and off the field. This does not require "outing" or otherwise identifying a particular student-athlete as transgender, but rather establishing general expectations for the treatment of all student-athletes, including those who may be transgender.

Media

1. Training — All school or athletics representatives (conference leaders, sports information departments and personnel, school leaders, athletics administrators, team members, and coaches) who are authorized to speak with the media should receive information about appropriate terminology, use of names and pronouns, and school and athletics conference policies regarding the participation of transgender student-athletes on school sports teams.
2. Confidentiality — Protecting the privacy of transgender student-athletes must be a top priority for all athletics department and affiliated school personnel, particularly when in the presence of the media. All medical information shall be kept confidential in accordance with applicable state, local, and federal privacy laws.

Enforcement and non-Retaliation

1. Enforcement — Any member of an athletics department who has been found to have violated this policy by threatening to withhold athletic opportunity or harassing any student on the basis of their gender identity or expression, or by breaching medical confidentiality, will be subject to disciplinary action, up to and including discharge or expulsion from the school. The athletics department should take appropriate remedial action to correct the situation. Any member of the athletics department who becomes aware of conduct that violates this policy should report the conduct to the appropriate official such as the director of athletics.
2. Retaliation — Retaliation is specifically forbidden against anyone who complains about discrimination based on gender identity or expression, even if the person was in error. Athletics departments should take steps to prevent any retaliation against any person who makes such a complaint.

PART FOUR

APPENDIX A

Definitions and Terminology: A Word About Words

Language has immense power to shape our perceptions of other people. Using accurate language can help to overcome many of the misperceptions associated with gender and transgender people. Although the vocabulary related to transgender people continues to evolve, here are some working definitions and examples of frequently used (and misused) terms.

Biological/Anatomical Sex — The physical characteristics typically used to assign a person’s gender at birth, such as chromosomes, hormones, internal and external genitalia and reproductive organs. Given the potential variation in all of these, biological sex must be seen as a spectrum or range of possibilities rather than a binary set of two options.

Gender — The complex relationship between physical traits and one’s internal sense of self as male, female, both or neither as well as one’s outward presentations and behaviors related to that perception. Biological sex and gender are different; gender is not inherently connected to one’s physical anatomy.

Gender Identity — One’s inner concept of self as male or female or both or neither. One’s gender identity can be the same or different than the gender assigned at birth. Most people become conscious of their gender identity between the ages 18 months and 3 years. Most people have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. Some of these individuals choose to live socially as the other gender and may also hormonally and/or surgically change their bodies to more fully express their gender identity. All people have gender identity, not just transgender people.

Gender Expression — Refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice, and other forms of presentation. Gender expression also works the other way as people assign gender to others based on their appearance, mannerisms, and other gendered characteristics. Many transgender people seek to make their external appearance—their gender expression—congruent with their internal gender identity through clothing, pronouns, names, and, in some cases, hormones and surgical procedures. All people have gender expression, not just transgender people.

Transgender — Sometimes used as an ‘umbrella term’ to describe anyone whose identity or behavior falls outside of stereotypical gender norms. More narrowly defined, it refers to an individual whose gender identity does not match their assigned birth gender. Being transgender does not imply any specific sexual orientation (attraction to people of a specific gender.) Therefore, transgender people may additionally identify as straight, gay, lesbian, or bisexual.

Sexual Orientation — Term that refers to being romantically or sexually attracted to people of a specific gender. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

Genderqueer — This term represents a blurring of the lines around gender identity and sexual orientation. Genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and sexual orientation. This term is typically assigned an adult identifier and not used in reference to preadolescent children.

Gender Nonconforming/Gender Variant — Refers to individuals whose behaviors and/or interests fall outside what is considered typical for their assigned gender at birth. Someone who identifies as “gender nonconforming” is not necessarily transgender. To the contrary, many people who are not transgender do not conform to gender stereotypes in their appearance, clothing, physical characteristics, interests, or activities.

Gender Fluidity — Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may even change from day to day. Gender fluid individuals do not feel confined by restrictive boundaries of stereotypical expectations of girls or boys.

Intersex — An estimated one in 2,000 babies is born with an “intersex” condition or Disorders of Sex Development (DSD). People with intersex conditions (DSD) are born with physically mixed or atypical bodies with respect to sexual characteristics, i.e. chromosomes, internal reproductive organs, and genitalia. These characteristics may not be visible and individuals may not be aware of the condition. Having an intersex condition does not necessarily affect a person’s gender identity.

FTM (Female-to-Male)/Affirmed male/transboy — A child or adult who was assigned to the female gender at birth but has a male gender identity.

MTF (Male-to-Female)/Affirmed female/transgirl — A child or adult who was assigned to the male gender at birth but has a female gender identity.

Transition — The process by which a transgender individual lives consistently with his or her gender identity, and which may (but does not necessarily) include changing the person’s body through hormones and/or surgical procedures. Transition can occur in three ways: social transition through changes in clothing, hair-style, name and/or pronouns; hormonal transition through the use of medicines such as hormone “blockers” or cross hormones to promote gender-based body changes; and/or surgical transition in which an individual’s body is modified through the addition or removal of gender-related physical traits. Based on current medical knowledge and practice, genital reconstructive surgery is not required in order to transition. Most transgender people in the United States do not have genital reconstructive surgery.

Transsexual — An individual whose gender identity does not match the person’s sex at birth. This individual usually desires to physically alter their bodies surgically and/or hormonally. This physical transition is a complicated, multi-step process that may take years and may include, but is not limited to, cross-gender hormone therapy and a variety of surgical procedures. The precise treatments required vary from person to person.

Transphobia — Fear or hatred of transgender people. Transphobia is manifested in a number of ways, including violence, harassment, and discrimination.

PART FOUR

APPENDIX B

Resources On Transgender Issues

Print Resources (Books, Articles, Reports)

AthletesCAN, the Canadian Centre for Ethics in Sport, and the Canadian Association for the Advancement of Women and Sport and Physical Activity, Promising Practices: *Working With Transitioned/Transitioning Athletes in Sport* (2009).

Including Transitioning and Transitioned Athletes in Sport — Issues, Facts and Perspectives - Summary. Brenda Wagman (February 12, 2009). Available online at [http://www.caaws.ca/e/resources/pdfs/Summary_Transition_Discussion_Paper_FINAL1%20\(2\).pdf](http://www.caaws.ca/e/resources/pdfs/Summary_Transition_Discussion_Paper_FINAL1%20(2).pdf).

Including Transitioning and Transitioned Athletes in Sport - Issues, Facts and Perspectives — DISCUSSION PAPER. Brenda Wagman (February 12, 2009). Available online at http://www.caaws.ca/e/resources/pdfs/Wagman_discussion_paper_THE_FINAL.pdf.

Working with Transitioning or Transitioned Athletes in Sport - Emerging Themes. Rachel Corbett (May 26, 2009). Available online at [http://www.caaws.ca/e/resources/pdfs/Wamsley_lit_review\(2\).pdf](http://www.caaws.ca/e/resources/pdfs/Wamsley_lit_review(2).pdf).

Social Science Literature on Sport and Transitioning/Transitioned Athletes - LITERATURE REVIEW. Kevin B. Wamsley (February 2008). Available online at [http://www.caaws.ca/e/resources/pdfs/Wamsley_lit_review\(2\).pdf](http://www.caaws.ca/e/resources/pdfs/Wamsley_lit_review(2).pdf).

Do Transitioned Athletes Compete at an Advantage or Disadvantage - LITERATURE REVIEW. Michaela C. Devries (May 18, 2008). Available online at [http://http.caaws.ca/e/resources/pdfs/Devries_lit_review\(2\).pdf](http://http.caaws.ca/e/resources/pdfs/Devries_lit_review(2).pdf).

Brill, Stephanie, and Rachel Pepper, *The Transgender Child: a Handbook for Families and Professionals* (San Francisco: Cleis Press, 2008).

California Safe Schools Coalition, *Model School District Policy regarding Transgender and Gender Nonconforming Students* (2009). Available online at <http://www.casafeschools.org/csscmodepolicy1209.pdf>.

Currah, Paisley, Richard M. Juang and Shannon Price Minter, *Transgender Rights* (Minneapolis, MN: University of Minnesota Press, 2006).

Gay Straight Alliance Network, the Transgender Law Center and the National Center for Lesbian Rights, *Beyond the Binary: A Tool Kit for Gender Activism in Schools* (2004). Available online at http://transgenderlawcenter.org/pdf/beyond_the_binary.pdf.

Goorin, Louis, and Mathijs Bunck, "Transsexuals and Competitive Sports," *European Journal of Endocrinology* 151 (2004): 425-429. Available online at <http://www.eje.org/cgi/reprint/151/4/425.pdf>.

Griffin, Pat, "Inclusion of Transgender Athletes on Sports Teams," Women's Sports Foundation (2007). Available online at <http://www.womenssportsfoundation.org/Content/Articles/Issues/Homophobia/I/Inclusion-of-Transgender-Athletes-on-Sports-Teams.aspx>.

Greytak, Emily A., Joseph G. Kosciw, and Elizabeth M. Diaz, Gay Lesbian Straight Education Network, *Harsh Realities: The Experiences of Transgender Youth in our Nation's Schools* (2009).

Lambda Legal, *Bending the Mold: An Action Kit for Transgender Students* (2009). Available online at <http://www.lambdalegal.org/publications/bending-the-mold/order-bending-the-mold.html>.

Movement Advancement Project, *Advancing Transgender Equality: A Guide for LGBT Organizations and Funders* (2009). Available online at <http://www.lgbtmap.org/advancing-transgender-equality.html>.

National Center for Transgender Equality, *Understanding Transgender: Frequently Asked Questions about Transgender People* (2009). Available online at http://transequality.org/Resources/NCTE_UnderstandingTrans.pdf.

Steinbach, Paul, "Change Candidates," *Athletic Business* (August 2008). Available online at <http://www.athleticbusiness.com/articles/article.aspx?articleid=1817&zoneid=3>.

Sykes, Heather, "Transsexual and Transgender Policies in Sport." *Women in Sport and Physical Activity Journal* 15:1 (2006): 3-13.

Transgender Law and Policy Institute, *Guidelines for Creating Policies for Transgender Children in Recreational Sports* (2009). Available online at http://www.transgenderlaw.org/resources/TLPI_GuidelinesforCreatingPoliciesforTransChildreninRecSports.pdf.

Washington Interscholastic Activities Association Gender Identity Policy
Jim Meyerhoff, Assistant Executive Director
435 main Avenue South, Renton, WA 98057
Office Phone: 425-282-5234
Office E-mail: jmeyerho@wiaa.com

Women's Sports Foundation, *Participation of Transgender Athletes in Women's Sports: A Women's Sports Foundation Position Paper* (2008). Available online at <http://www.womenssportsfoundation.org/Content/Articles/Issues/Homophobia/T/Participation-of-Transgender-Athletes.aspx>.

Organizations/Websites

American Bar Association (ABA) — The ABA opposes discrimination against those who are transgender or gender non-conforming. In 2006, the ABA House of Delegates adopted a recommendation that all federal, state, local and territorial governments enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations. For more information visit www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentywob.doc.

Advocates for Informed Choice — Legal advocacy organization dedicated to promoting the civil rights of children with intersex conditions or disorders of sex development. www.aiclegal.org

American Civil Liberties Union (ACLU) — The ACLU Lesbian, Gay, Bisexual, Transgender Project fights discrimination and moves public opinion through the courts, legislatures and public education across five issue areas: Relationships, Youth & Schools, Parenting, Gender Identity and Expression and Discrimination in Employment, Housing and other areas. www.aclu.org/lgbt-rights

American Medical Association (AMA) — The AMA is a medical professional association whose mission is to promote the art and science of medicine and the betterment of public health. The AMA has adopted a number of policies supporting the right of transgender and gender-non-conforming persons to be free from discrimination on the basis of their gender identity or expression. www.ama-assn.org

American Psychological Association (APA) — In 2008, the APA Council of Representatives adopted a policy statement supporting “the passage of laws and policies protecting the rights, legal benefits, and privileges of people of all gender identities and expressions,” and as well as supporting “efforts to provide safe and secure educational environments, at all levels of education.” www.apa.org/about/governance/council/policy/transgender.aspx

Gay and Lesbian Advocates and Defenders Transgender Rights Project — Through the Transgender Rights Project (TRP), Gay and Lesbian Advocates and Defenders puts litigation, legislative, and educational assets to work in a focused way to establish clear legal protections for the transgender community. www.glad.org

Gay, Lesbian and Straight Education Network — The Gay, Lesbian and Straight Education Network strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression. www.glsen.org

Gender Spectrum — Gender Spectrum provides education, training and support to help create a gender sensitive and inclusive environment for all children and teens. www.genderspectrum.org

It Takes A Team! Education Campaign for LGBT Issues in Sport — A Women’s Sports Foundation initiative, It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual, and Transgender Issues in Sport is an education project focused on eliminating homophobia as a barrier to all women and men participating in sport. www.ittakesateam.org

Lambda Legal — Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. www.lambdalegal.org

National Center for Lesbian Rights — NCLR is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. www.nclrights.org

National Center for Transgender Equality — The National Center for Transgender Equality is a social justice organization dedicated to advancing the equality of transgender people through advocacy, collaboration and empowerment. www.transequality.org

NCAA Office of Inclusion — www.ncaa.org/lgbt

National Gay and Lesbian Task Force — The mission of the National Gay and Lesbian Task Force is to build the grassroots power of the LGBT community by training activists, equipping state and local organizations with the skills needed to organize broad-based campaigns to defeat anti-LGBT referenda and advance pro-LGBT legislation, and building the organizational capacity of the movement. www.thetaskforce.org

Parents and Friends of Lesbians and Gays-TNET — The purpose of this special affiliate of PFLAG is to promote the health and well-being of transgender persons, their families and friends through: support, to cope with an adverse society; education, to enlighten an ill-informed public; and advocacy, to end discrimination and to secure equal civil rights. PFLAG TNET focuses on support for transgender people and their parents,

families, and friends; education on transgender facts and issues; and advocacy for equal rights for the transgender community at local and national levels. www.pflag.org/tnet

Transgender Law Center — Transgender Law Center (TLC) connects transgender people and their families to culturally competent legal services, increases acceptance and enforcement of laws and policies that support California’s transgender communities, and works to change laws and systems that fail to incorporate the needs and experiences of transgender people. www.transgenderlawcenter.org

Transgender Law and Policy Institute — Transgender Law and Policy Institute (TLPI) is a non-profit organization dedicated to engaging in effective advocacy for transgender people in our society. The TLPI brings experts and advocates together to work on law and policy initiatives designed to advance transgender equality. www.transgenderlaw.org

World Professional Association for Transgender Health (WPATH) — WPATH is an international, interdisciplinary organization of professionals from fields of psychiatry, endocrinology, surgery, law, psychology, sociology, and counseling. WPATH publishes the internationally recognized Standards of Care for Gender Identity Disorders, an evolving consensus on best practice in the provision of medical treatments for individuals with Gender Identity Disorder. www.wpath.org

VIDEOS

Straightlaced: How Gender’s Got Us All Tied Up

Straightlaced: How Gender’s Got Us All Tied Up takes a powerful and intimate look at how popular pressures around gender and sexuality are shaping the lives of American teens. The film proudly showcases the diverse and unscripted voices of more than 50 high school students from a variety of different communities, all of whom speak with breathtaking honesty, insight, and humor about gender roles and their struggles to be who they really are. More information on the film is available at www.groundspark.org/our-films-and-campaigns/straightlaced

Transgender Student-Athlete

A 30-minute video presentation sponsored by the NCAA and conducted by Dr. Betsy Crane, Widener University, http://s3.amazonaws.com/ncaa/web_video/diversity_inclusion/transgenderSA.html. Dr. Crane presents a sex educator’s expertise on gender awareness and diversity, and provides definition to assist the viewer in understanding best practices for including transgender students in athletics participation.

PART FOUR:

APPENDIX C

Legal Status of Transgender People

Federal, state, and local laws prohibit discrimination on the basis of gender identity/expression. In addition, many K-12 and collegiate educational institutions have adopted non-discrimination policies that include gender identity/expression. Each school or school district should be knowledgeable about specific legal requirements that apply and make sure that all school athletic staff understand their responsibilities to abide by and enforce these laws.

Federal Protections

Title IX of the Education Amendments of 1972 — The purpose of Title IX is to address sex discrimination in schools. This federal law also addresses discrimination or harassment in schools based on gender stereotypes.⁹ As described by the Department of Education’s Office for Civil Rights guidance in 2010, when gender non-conforming or transgender students are targeted on the basis of their gender expression, Title IX may provide the basis for legal recourse.¹⁰ Schools are responsible for developing educational programs, preventative policy and grievance procedures to address sexual harassment, bullying and assault.

EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION — The Equal Protection clause states that “no state shall ... deny to any person within its jurisdiction the equal protection of the laws.”¹¹ Several successful cases involving allegations of harassment and discrimination against lesbian, gay, bisexual, and transgender students and staff in public schools have been based on the Equal Protection clause.¹²

The Employment Non-Discrimination Act (ENDA) — ENDA is a bill that was introduced in the 111th U.S. Congress in 2009.¹³ If passed into law, ENDA would provide basic protections against workplace discrimination on the basis of sexual orientation or gender identity. The bill is closely modeled on existing civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act. ENDA prohibits public and private employers from using an individual’s sexual orientation or gender identity as the basis for employment decisions, such as hiring, firing, promotion or compensation. ENDA also applies to federal, state, and local government employees.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) — The HCPA gives the Department of Justice (DOJ) the power to investigate and prosecute bias-motivated violence by providing the DOJ with jurisdiction over crimes of violence where a perpetrator has selected a victim because of the person’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.¹⁴ Furthermore, the HCPA requires the Federal Bureau of Investigation to track statistics on hate crimes.¹⁵

State of Non-Discrimination Law

As of July 2010, 13 states and the District of Columbia¹⁶ have enacted non-discrimination laws prohibiting discrimination on the basis of sexual orientation and gender identity or expression: California,¹⁷ Colorado,¹⁸ Hawaii,¹⁹ Illinois,²⁰ Iowa,²¹ Maine²², Minnesota,²³ New Jersey,²⁴ New Mexico,²⁵ Oregon,²⁶ Rhode Island,²⁷ Vermont,²⁸ and Washington.²⁹

Eight additional states have enacted laws prohibiting discrimination based on sexual orientation only: Connecticut, Delaware, Maryland, Massachusetts, Nevada, New Hampshire, New York, and Wisconsin.³⁰

Additionally, courts and administrative bodies in seven states have interpreted state laws against sex discrimination to prohibit discrimination against transgender and gender nonconforming people: California, Connecticut, Florida, Massachusetts, New Jersey, New York, and Pennsylvania. Courts and administrative bodies in seven states have also held that transgender people are protected by state laws prohibiting discrimina-

tion based on disability or medical condition: Florida, Illinois, Massachusetts, New Hampshire, New Jersey, New York, and Washington.³¹

State Student Rights Laws

In addition to these federal protections, as of July 2010, twelve states and the District of Columbia³² have enacted laws protecting students in schools from discrimination or harassment on the basis of sexual orientation or gender identity: California, Colorado, Illinois, Iowa, Maine, Maryland, Minnesota, New Jersey, North Carolina, Oregon, Vermont, and Washington.³³ Four additional states offer protections on the basis of sexual orientation only: Connecticut, Massachusetts, New York, and Wisconsin.³⁴

Individual School or School District Non-Discrimination Policies

For a list of colleges and universities that have enacted non-discrimination policies that include gender identity/expression, refer to the following list created by the Transgender Law and Policy Institute: www.transgenderlaw.org/college/index.htm#policies

For a list of K-12 school districts that have enacted non-discrimination policies that include gender identity/expression, refer to the following list created by the Transgender Law and Policy Institute: www.transgenderlaw.org/college/index.htm#schools **American Bar Association**

The American Bar Association (ABA) opposes discrimination against those who are transgender or gender non-conforming. The ABA is a national organization of lawyers, law students and judges, and is the largest voluntary professional association in the world, with more than 400,000 members. The control and administration of the ABA is vested in the House of Delegates, which is the policy-making body of the Association. In 2006, the ABA House of Delegates adopted a recommendation that all federal, state, local, and territorial governments enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing, and public accommodations.³⁵

ACKNOWLEDGEMENTS

The NCAA resource accepted input from the report, *“On the Team: Equal Opportunity for Transgender Student Athletes”* published in October, 2010. In October 2009 the National Center for Lesbian Rights and It Takes A Team!, an Initiative of the Women’s Sports Foundation, co-sponsored a national think tank entitled *“Equal Opportunities for Transgender Student-Athletes.”* Think Tank participants included leaders from the NCAA, the National High School Federation, transgender student-athletes, and experts on transgender issues from a range of disciplines—law, medicine, advocacy, and athletics. The NCAA also would like to acknowledge and thank George Washington University and Kyle Allums for their efforts in educating and raising awareness of transgender student-athlete participation.

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FOOTNOTES

¹ Gender Spectrum, “A Word About Words,” available online at http://www.genderspectrum.org/images/stories/Resources/Family/A_Word_About_Words.pdf.

² Intersex Society of North America, “What’s the difference between being transgender or transsexual and having an intersex condition?”

Available online at <http://www.isna.org/faq/transgender>.

³ Advocates for Informed Choice, General Brochure, available online at <http://aiclegal.files.wordpress.com/2010/02/aic-brochure.pdf>.

⁴ In addition, what counts as a competitive advantage may shift dramatically depending on the sport. What is an advantage in one context may be a disadvantage in another. For example, factors such as height, weight, reaction time, and proportion of fast twitch muscle fibers all affect competitive advantage depending on the sport. A female volleyball player may be very tall, and yet few people would consider that to be an unfair competitive advantage in her sport. Similarly, a male swimmer may have a naturally high hemoglobin count enabling him to take in more oxygen, but he is not barred from swimming for that reason. Sarah Teetzel, “On Transgendered Athletes, Fairness and Doping: An International Challenge,” *Sport in Society: cultures, commerce, media, Politics*, 1743-0445, Volume 9, Issue 2 (2006) Pages 227 – 251.

⁵ Erin Buzuvis, “Caster Semenya and the myth of the Level Playing Field,” Social Science research network (2009). Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1521674.

⁶ Joe Leigh Simpson et al, “Gender Verification in the Olympics,” *JAmA* (2000); 284: 1568-1569; see also Sex Typing for Sport, *supra* note 8.

⁷ Kirk Mango, “The Benefits of Competitive Athletic Sports Participation in Today’s Sports Climate,” *Chicago Now* (February 16, 2010). Available online at <http://www.chicagonow.com/blogs/athletes-sports-experience/2010/02/the-benefits-of-competitive-athletic-sports-participation-in-todays-sports-climate.html>.

⁸ Recent research indicates that most salient physical changes likely to affect athletic performance occur during the first year of hormone treatment making a longer waiting period unnecessary. Goorin, Louis, and Mathijs Bunck, “Transsexuals and Competitive Sports,” *European Journal of Endocrinology* 151 (2004): 425-429. Available online at <http://www.eje.org/cgi/reprint/151/4/425.pdf>.

⁹ See *Snelling v. Fall Mt. Regional Sch. Dist.*, 2001 D.N.H. 057, 2001 WL 276975 (D.N.H. 2001); *Ricco v. New Haven Bd. of Educ.*, 467 F.Supp.2d 219 (D. Conn. 2006); *Doe v. Southeastern Greene Sch. Dist.*, 2006 U.S. Dist LEXIS 12790 (W.D. Pa. 2006).

¹⁰ See 20 U.S.C.A. § 1681 et seq.; Office of Civil Rights, Revised Sexual Harassment Guidance, § III (Jan. 2001) (“Though beyond the scope of this guidance, gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond[.]”).

¹¹ U.S. Const. amend. XIV, § 1.

¹² See, e.g., *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130 (9th Dist. 2003) (equal protection required school district to enforce policies “in cases of peer harassment of homosexual and bisexual students in the same way that they enforce those policies in cases of peer harassment of heterosexual students”).

¹³ H.R. 3017, 110th Cong. (2010).

¹⁴ 18 U.S.C.A. § 249.

¹⁵ 28 U.S.C.A. § 534.

- ¹⁶ D.C. Code §§ 2-1401.01 et seq. (employment, housing, public accommodation, education, motor vehicle insurance, access to government facilities and programs), 4-754.21(10) (access to services for homeless persons), 16-914 (custody proceedings), 31-2231-11(c) & 31-2231.13(d) (insurance), 31-1603 (determination by insurance companies of likelihood of developing AIDS), 43-1507 (companies providing electricity).
- ¹⁷ Cal. Penal Code § 422.56, Cal. Gov't Code § 12926 et seq. (non-discrimination in employment and housing), Cal. Civ. Code § 51 (public accommodations).
- ¹⁸ Colo. Rev. Stat. Ann. §§ 24-34-401 et seq. (non-discrimination in public accommodation, housing and employment), 22-32-109 (non-discrimination in education).
- ¹⁹ Haw. Rev. Stat. §§ 489-2 (non-discrimination in public accommodations), 515-3 (real property transactions).
- ²⁰ 775 Ill. Comp. Stat. 5/2-102 (non-discrimination in employment, public accommodations, real estate transactions, and access to financial credit).
- ²¹ Iowa Code Ann. § 216.1 et seq. (non-discrimination in public accommodation, employment, housing, credit, and education).
- ²² Me. Rev. Stat. Ann. tit. 5, § 4552 et seq. (non-discrimination in employment, housing, public accommodation, credit and education).
- ²³ Minn. Stat. Ann. § 363A.03 et seq. (non-discrimination in public accommodation, housing, employment, credit, and education).
- ²⁴ N.J. Stat. Ann. §§ 10:5-4 (non-discrimination in employment, housing, and public accommodation), 18A:37-14 (education).
- ²⁵ N.M. Stat. Ann. § 28-1-2 et seq., (non-discrimination in public accommodation, employment, housing and credit).
- ²⁶ Or. Rev. Stat § 174.100(6), Or. Rev. Stat. §§ 659A.003 et seq. (non-discrimination in public accommodation, employment, and housing), 101.115(3) (non-discrimination in retirement communities), 179.750(2) (state institutions), 240.306(1) (state employees), 418.648(10) (selection of foster parents), , 430.550 (drug abuse diversion programs), 443.739(19) (adult foster care), 458.505(4)(h) (community service programs hosted by a community action agency), 659.850(2) (education), 744.382(4) (making life settlement contracts), 10.030(1) (jury service).
- ²⁷ R.I. Gen. Laws § 11-24-2 (public accommodation), R.I. Gen. Laws 1956 §§ 28-5-7 (employment), 28-5.1-4(a) (state employees), 34-37-4 (housing), 34-37-5.4 (residential real estate transactions).
- ²⁸ Vt. Stat. Ann. tit. 3, §§ 961(6) (state employees), 963 (state employee organizations), 1026(6) (judiciary employees), 1028 (judiciary employee organizations), 1621 (union membership); Vt. Stat. Ann. tit. 8, §§ 4724(7) (B) & (C) (insurance), 10403 (credit cards, loans, mortgages, and commercial loans); Vt. Stat. Ann. tit. 9, §§ 2362 (motor vehicle retail installment contracts), 2410 (retail installment contracts), 2488 (agricultural finance leases), 4502 (public accommodations), 4503 (housing); Vt. Stat. Ann. tit. 16, §§ 11, 565 (education); Vt. Stat. Ann. tit. 21, §§ 495(a) (employment), 1726 (municipal employees).
- ²⁹ Wash. Rev. Code §§ 48.30-300 (insurance), 49.60.175 (credit), 49.60.180 (employment), 49.60.190 (labor unions), 49.60.215 (public accommodation), 49.60.222 (housing).
- ³⁰ See Conn. Gen. Stat. § 46a-81a et seq. (employment, public accommodations, housing, credit); Del Code Ann. tit. 6, §§ 4500 et seq. (public accommodation), 4601 et seq. (housing), Del. Code Ann. tit. 19, § 710 (employment); Md. Code Ann., State Gov't §§ 20-304 (public accommodation), 20-705 (housing), 20-606 (employment); Mass. Gen. Laws Ch. 151B §1 et seq. (generally), Mass. Gen. Laws Ch. 272 §§92A, 98 (public accommodation); Nev. Rev. Stat. §§ 613.330 (employment), 651.070 (public accommodation); N.H. Rev. Stat. Ann. §§ 354-A:7 (employment), 354A-10 (housing), 354-A:17 (public accommodations); N.Y. Exec. Law § 296 (employment, public accommodations, housing, credit), N.Y. Civ. Rights § 40-c (public accommodations); Wis. Stat. §§ 106.50 (housing), 106.52 (public accommodation).

³¹ For a comprehensive discussion of state court and administrative decisions applying sex and disability discrimination to transgender plaintiffs, see www.nclrights.org/site/DocServer/state_cases091004.pdf?docID=1203.

³² D.C. Code 1981 §§ 2-1401.02 & 2-1402.41.

³³ See Cal. Educ. Code §§ 220, 210.7, 212.6, & 51500; Colo. Rev. Stat. §§ 2-4-401(13.5), 22-32-109(II)(I), 12-59-106(1)(s), 22-30.5-104(3), 22-30.5-507(3), & 22-38-104(1)(d); 775 Ill. Comp. Stat. Ann. 5/1-102(A), 775 Ill. Comp. Stat. Ann. 5/1-103(O-1), (Q), & 775 Ill. Comp. Stat. Ann. 5/5-101(A)(11); Iowa Code §§ 216.9, 280.28; Me. Rev. Stat. Ann. tit. 5, §§ 4552, 4553(9-C), 4601, & 4602(4); Md. Code Ann. Educ. §§ 7-424; Minn. Stat. §§ 363A.03 subd. 44, 363A.13; N.J. Stat. Ann. §§ 10:5-5, 10:5-12(f)(1), & 18A:37-14; N.C. Gen. Stat. §§ 115C-407.15, 115C-407.16; Or. Rev. Stat. §§ 659.850, 174.100, 339.351(d)(3), & 338.125; Vt. Stat. Ann. tit. 16, §§ 1, 11 & 565; Wash. Rev. Code §§ 49.60.030 & 49.60.040(2), (26).

³⁴ Conn. Gen. Stat. § 10-15c; Mass. Gen. Laws. Ch. 76, § 5; N.Y. Exec. Law §§ 291(2), 292(9) & (27) & 296(2); Wis. Stat. § 118.13.

³⁵ See A.B.A. Recommendation 122B (adopted August 7-8, 2006) available online at <http://www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentytwob.doc> (recognizing that “[t]ransgender people are disproportionately likely to face discrimination” and that “many individuals who are not transgender continue to suffer discrimination . . . because they do not comply with gendered stereotypes.”).





Office of Inclusion

ON THE TEAM:

EQUAL OPPORTUNITY FOR TRANSGENDER STUDENT ATHLETES

AUTHORS:

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Former Director

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CO-SPONSORED BY:



NATIONAL CENTER FOR LESBIAN RIGHTS

**WOMEN'S
SPORTS
FOUNDATION**

It Takes A Team!

OCTOBER 4, 2010

ON THE TEAM:

EQUAL OPPORTUNITY FOR TRANSGENDER STUDENT ATHLETES

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ABOUT THE REPORT

The purpose of this report is to provide guidance to high school and collegiate athletic programs about how to ensure transgender student athletes fair, respectful, and legal access to school sports teams. In October 2009 the National Center for Lesbian Rights and It Takes A Team!, an Initiative of the Women's Sports Foundation, co-sponsored a national think tank entitled "Equal Opportunities for Transgender student athletes." Think Tank participants included leaders from the National Collegiate Athletic Association and the National High School Federation, transgender student athletes, and an impressive array of experts on transgender issues from a range of disciplines—law, medicine, advocacy, and athletics. The think tank goals were to develop model policies and identify best practices for high school and collegiate athletic programs to ensure the full inclusion of transgender student athletes.

This think tank report includes best practice and policy recommendations for high school and collegiate athletic programs about providing transgender student athletes with equal opportunities to participate in school-based sports programs. In addition to specific policy recommendations for both high school and college athletics, the report provides guidance for implementing these policies to ensure the safety, privacy, and dignity of transgender student athletes as well as their teammates. Specific best practice recommendations are provided for athletic administrators, coaches, student athletes, parents, and the media.



LEA ROBINSON

ASSISTANT DIRECTOR OF MULTICULTURAL AFFAIRS,
LGBTQ OUTREACH, COLUMBIA UNIVERSITY
(FORMER COACH AND ATHLETE)

“ During my coaching career, there was little discussion of the existence of transgender student athletes and few resources for those student athletes that did identify as transgender. In my own experience, the few students that I did suspect may have identified as transgender weren’t really able to come out in those settings because of a lack of support within their athletic communities as well as a real lack of resources, education, and safe spaces. I believe that the implementation of supportive policies would signify a commitment to the support and acceptance of transgender-identified student athletes and coaches, and aid in creating more spaces for dialogue and education within the culture of athletics regarding issues and challenges facing transgender student athletes. Those policies will also give transgender student athletes and coaches the guidance, support, encouragement, and sense of safety they need to pursue what can sometimes be a very difficult journey. ”

ABOUT THE AUTHORS



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Dr. Pat Griffin is the former Director of It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual and Transgender Issues in Sport, an initiative of the Women's Sports Foundation. Dr. Griffin is a Professor Emerita in the Social Justice Education Program at the University of Massachusetts Amherst. She is author of *Strong Women, Deep Closets: Lesbians and Homophobia*

in Sports and co-editor of *Teaching for Diversity and Social Justice: A Sourcebook for Teachers and Trainers*. For the past 25 years, Dr. Griffin has led seminars on diversity issues including lesbian, gay, bisexual, and transgender issues in athletics at numerous colleges and universities, as well as at coaches and athletic administrators' association meetings throughout the United States and Canada. Dr. Griffin has discussed homophobia in sports on ESPN's *Outside the Lines*, HBO's *Real Sports* and ABC Sports. In 2007 she was selected as one of the Top 100 Sport Educators by the International Sport Institute. She played basketball and field hockey and swam at the University of Maryland. She coached high school basketball and field hockey in Silver Spring, Maryland and

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A Women's Sports Foundation initiative, It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual, and Transgender Issues in Sport is an education project focused on eliminating homophobia as a barrier to all women and men participating in sport. It Takes A Team! provides practical educational information and resources to athletic administrators, coaches, parents, and athletes at the high school and college levels to make sport safe and welcoming for all. These resources are available at www.ittakesateam.org.



HELEN J. CARROLL

Helen J. Carroll is the Director of the National Center for Lesbian Rights' Sports Project, which aims to ensure that lesbian, gay, bisexual, and transgender players, coaches, and administrators receive fair and equal treatment—free of discrimination. She joined NCLR in 2001 after spending 30 years as an athlete, coach, and collegiate athletic director. Carroll is well-known in the sports world as an acclaimed National Championship Basketball Coach from the University of North Carolina-Asheville. She was a National Collegiate Athletic

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The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. The mission of the Sports Project is to create and ensure a sports culture where individuals may fully participate, free from sexual orientation and gender identity discrimination.

Other NCLR staff who provided assistance in the writing of this report include Shannon Minter, Legal Director; Liz Seaton, former Director of Projects and Managing Attorney; Ilona Turner, Staff Attorney; Cara Sherman, Public Interest Associate; and Jody Marksamer, Staff Attorney and Youth Project Director.

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For providing expert review and commentary related to advocacy and support for transgender young people: Anne Tamar-Mattis, Advocates for Informed Choice; Stephanie Brill, Gender Spectrum; Jamison Green, Center of Excellence for Transgender Health, University of California, San Francisco; Jennifer Levi, Gay and Lesbian Advocates and Defenders.

For providing crucial expertise regarding National Collegiate Athletic Association rules, regulations and procedures related to drug testing, eligibility requirements, and gender equity: Karen Morrison, Director for Gender Initiatives; Mary Wilfert, Associate Director, Health and Safety.

For providing a voice and sharing the experience of being a transgender student: Keelin Godsey, Track and Field, Rugby, Bates College, 2006, Northeastern College, 2010; Morgan Dickens, Basketball and Rugby, Cornell University, 2008, Ithaca College, 2009; a high school transgender student athlete.

INTRODUCTION

INTRODUCTION

An increasing number of high school- and college-aged young people are identifying as transgender (or trans), meaning that their internal sense of their gender identity is different from the gender they were assigned at birth.¹ These students challenge many parents and educators to rethink our understanding of gender as universally fixed at birth. Educators and parents must be open to this challenge if we are to create educational institutions that value and meet the needs of all students. Once we recognize that transgender young people are part of school communities across the United States, educational leaders have a responsibility to ensure that these students have access to equal opportunities in all academic and extracurricular activities in a safe and respectful school environment.



STEPHANIE BRILL
EXECUTIVE DIRECTOR, GENDER SPECTRUM

“ There are more and more transgender children today who, even at young ages, are allowed to live their lives in alignment with who they are. As it becomes common medical procedure to allow these children to transition in childhood, athletic policies need to reflect this change in the landscape of student athletes. ”

Some transgender students, like their non-transgender peers, enjoy athletic competition and want to be part of a school sports team. Transgender young people have the same right to participate and benefit from the positive aspects of athletics as other students do. School athletic leaders, in response to this interest, must identify effective and fair policies to ensure that transgender students have an equal opportunity to participate on school sports teams.

School athletic programs are widely accepted as integral parts of the high school and college experience. The benefits of school athletic participation include many positive effects on physical, social, and emotional well-being. Playing sports can provide student athletes with important lessons about self-discipline, teamwork, success, and failure—as well as the joy and shared excitement that being a member of a sports team can bring.

Additionally, participation in high school athletics shows that a student is well-rounded and can improve a student's chances of acceptance into college. For some students, playing on high school teams leads to future careers in athletics as competitors, coaches, administrators, and athletic trainers. All students, including those who are transgender, deserve access to these benefits.

Though the needs of transgender students in high school and college have received some attention in recent years, this issue has not been adequately addressed in the context of athletics. Few high school or collegiate athletic programs, administrators, or coaches are prepared to fairly, systematically,

¹ For a more complete list of definitions and terms related to transgender people, refer to Appendix A.

and effectively address a transgender student's interest in participating in athletics. The majority of school athletic programs have no policy governing the inclusion of transgender student athletes, and most coaches are unprepared to accommodate a transgender student who wants to play on a sports team. In fact, most school athletic programs are unprepared to address even basic accommodations such as knowing what pronouns or names to use when referring to a transgender student, where a transgender student should change clothes for practice or competition, or what bathroom or shower that student should use.

In response to this need, the National Center for Lesbian Rights Sports Project and the Women's Sports Foundation initiative It Takes A Team! convened a national think tank in October 2009 entitled "Equal Opportunities for Transgender student athletes." Think tank participants included leaders from the National Collegiate Athletic Association (NCAA) and the National High School Federation, transgender student athletes, and an impressive array of experts on transgender issues from a range of disciplines—law, medicine, advocacy, and athletics.

Think tank participants were committed to a set of guiding principles based on the core values of inclusion, fairness, and equal opportunity in sport. The think tank goals were to develop model policies and identify best practices for high school and collegiate athletic programs to ensure the full inclusion of transgender student athletes.

Think tank participants were also keenly aware of the advantages of adopting uniform national policies for the participation of high school and college transgender athletes. By adopting a single national policy for all high schools and a single national policy for intercollegiate athletics, educators can ensure that student athletes and teams will not run into problems due to inconsistent rules for state eligibility, conference and tournament eligibility, and national competitive tournaments. The adoption of a single national standard for high schools and a single national standard for colleges would also enable an easier transition for high school transgender student athletes moving to another state, or for transgender student athletes in college to transfer to a program in another state.

This report reflects the best thinking of the think tank participants, based on current medical knowledge and legal protections for transgender people, about how to ensure equal opportunities for transgender student athletes. The purpose of this report is to provide leaders in education and athletics with the information they need to make effective policy decisions about the participation of transgender student athletes in high school and college athletic programs. This report is intended for everyone involved with high school or collegiate athletics including college presidents, school board members, high school state athletic association leaders, school principals and district superintendents, intercollegiate athletic conference commissioners, and sport governing organization leaders. It is also intended for individual athletic directors, coaches, student athletes, and parents.

Part One of the report provides an overview of issues related to providing equal opportunities for transgender student athletes. Part Two describes model policies for the inclusion of high school and college transgender student athletes. Part Three recommends best practices for the inclusion of transgender student athletes. Part Four lists additional resources for addressing transgender issues in athletics. Part Five includes an appendix of definitions of key terms, information about the legal rights of transgender people in the United States, and a list of the think tank participants.

ON THE TEAM: EQUAL OPPORTUNITY FOR TRANSGENDER STUDENT ATHLETES

PART ONE:

OVERVIEW

PART ONE: **OVERVIEW**

This section of the report provides an overview of issues related to providing equal opportunities for transgender student athletes by addressing the following questions:

- **What Does Transgender Mean?**
- **Why Must We Address Transgender Issues in Athletics? Why Focus on High School and College Athletics?**
- **Should the Participation of Transgender Student Athletes Raise Concerns About Competitive Equity?**
- **What Are the Benefits of Adopting Fair and Inclusive Policies?**
- **What Are Harmful Effects of Failing to Adopt Fair and Inclusive Policies?**

What Does Transgender Mean?

“Transgender” describes an individual whose gender identity (one’s internal psychological identification as a boy/man or girl/woman) does not match the person’s sex at birth. For example, a male-to-female (MTF) transgender person is someone who was born with a male body, but who identifies as a girl or a woman. A female-to-male (FTM) transgender person is someone who was born with a female body, but who identifies as a boy or a man.²

Some transgender people choose to share the fact that they are transgender with others. Other transgender people prefer to keep the fact that they transgender private.

It is important that other people recognize and respect the transgender person’s identification as a man or a woman. In order to feel comfortable and to express their gender identity to other people, transgender people may take a variety of steps: changing their names and self-referencing pronouns to better match their gender identity; choosing clothes, hairstyles, or other aspects of self-presentation that reflect their gender identity; and generally living, and presenting themselves to others, consistently with their gender identity. Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity.

Some people are confused by the difference between transgender people and people who have intersex conditions. The key feature of being transgender is having a psychological identification as a man or a woman that differs from the person’s sex at birth. Apart from having a gender identity that is different than their bodies, transgender people are not born with physical characteristics that distinguish them from others. In contrast, people with intersex conditions (which may also be called a “Differences of Sex Development”), are born with physically mixed or atypical bodies

² Gender Spectrum, “A Word About Words,” available online at http://www.genderspectrum.org/images/stories/Resources/Family/A_Word_About_Words.pdf.

with respect to sexual characteristics such as chromosomes, internal reproductive organs and genitalia, and external genitalia.³ An estimated one in 2,000 people are born with an anatomy or chromosome pattern that doesn't seem to fit typical definitions of male or female. The conditions that cause these variations are sometimes grouped under the terms "intersex" or "DSD" (Differences of Sex Development).⁴

Most people with intersex conditions clearly identify as male or female and do not have any confusion or ambiguity about their gender identities. In fact, most intersex conditions are not visible, and many intersex people are unaware of having an intersex condition unless it is discovered during medical procedures. Though there may be some similar issues related to sports participation between transgender and intersex individuals, there are also significant differences. This report will focus on the participation of transgender people in sports.

Why Must We Address Transgender Issues in School Athletic Programs?

Educators must address transgender issues in athletics for several reasons. First and foremost, core values of equal opportunity and inclusion demand that educational leaders adopt thoughtful and effective policies that enable all students to participate fully in school athletic programs. Over the course of many years, schools have learned and continue to appreciate the value and necessity of accommodating the sport participation interests of students of color, girls and women, students with disabilities, and lesbian, gay, and bisexual students. These are all issues of basic fairness and equity that demand the expansion of our thinking about equal opportunity in sports. The right of transgender students to participate in sports calls for similar considerations of fairness and equal access.

Additionally, as more states, localities, and schools add gender identity and expression to their non-

PARENT OF HIGH SCHOOL STUDENT ATHLETE

“ When my daughter transitioned at the age of 14, at the beginning of her eighth-grade year, we were told that a school administrator had contacted the state association for us. The answer I got then was that she could only compete in girls intramural sports. By the time she was ready to enter high school as a freshmen, she was no longer willing to settle. She wanted the right to compete at any level in the gender role she identified with. ”

discrimination policies, and as more courts hold that sex discrimination laws protect transgender people, transgender students and their parents are increasingly empowered to insist that athletic programs accommodate transgender students (see Part Five: Appendix B for a compilation of

³ Intersex Society of North America, “What’s the difference between being transgender or transsexual and having an intersex condition?” Available online at <http://www.isna.org/faq/transgender>.

⁴ Advocates for Informed Choice, General Brochure, available online at <http://aiclegal.files.wordpress.com/2010/02/aic-brochure.pdf>.

state and federal laws, regulations, and legal decisions prohibiting discrimination based on gender identity/expression). To avoid decision-making that perpetuates discrimination, school leaders must be proactive in adopting policies that are consistent with school non-discrimination policies and state and federal laws prohibiting discrimination based on gender identity or expression (see Appendix A for definitions of gender identity and gender expression).

Though the number of transgender students is small, research indicates that their number is growing.⁵ As the number of people who come out as transgender as teenagers and children increases, so too do the numbers of parents who support their transgender children and advocate for their rights to safety and fair treatment in schools. In response to these demands, K-12 school and college leaders must be prepared to accommodate the educational needs and protect the rights of trans-identified students.

To respond to these realities, sport governing organizations and individual schools are well advised to proactively adopt policies that provide equal opportunities for transgender students to participate on school sports teams. Moreover, in the spirit of encouraging sports participation for all, it is the right thing to do.

In order to design effective policies, educators must understand that gender is a core part of everyone's identity and that gender is more complex than our society generally acknowledges. Learning about the experience of transgender people can help us to see more clearly how gender affects all of our lives, and to put that knowledge into practice in order to better serve all students.



STEPHANIE BRILL
EXECUTIVE DIRECTOR, GENDER SPECTRUM

“Parents call Gender Spectrum weekly to see if their children will be allowed to play sports in high school.”

Addressing the needs of transgender students is an important emerging equal opportunity issue that must be taken seriously by school leaders. Because a more complex understanding of gender may be new and challenging for some people, there is a danger that misinformation and stereotypes will guide policy decisions rather than accurate and up-to-date information. Athletic leaders who are charged with policy development need guidance to avoid inscribing misconceptions and misinformation in policies that, ultimately, create more problems than they solve.

⁵ See, e.g., Emily A. Greytak, Joseph G. Kosciw, and Elizabeth M. Diaz, Gay Lesbian Straight Education Network, *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools* (2009). Available online at http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1375-1.pdf. Despite this evidence of growing numbers, the decision to provide equal opportunity should not be based on the number of transgender students who want to play sports. Even the smallest minority of students deserves the opportunity to participate in all school-sponsored programs.

Why Focus on High School and College Athletics?

Providing equal opportunities in all aspects of school programming is a core value in education. As an integral part of educational institutions, high school and college athletic programs are responsible and accountable for reflecting the goals and values of the educational institutions of which they are a part. It follows that school athletic programs must reflect the value of equal opportunity in all policies and practices.

Athletic programs affiliated with educational institutions have a responsibility, beyond those of adult amateur or professional sports programs, to look beyond the value of competition to promote broader educational goals of participation, inclusion, and equal opportunity. Because high schools and colleges must be committed to those broader educational goals, they should not unthinkingly adopt policies developed for adult Olympic and professional athletes. Recognizing the need to address the participation of transgender athletes, a few leading international and professional sport governing organizations have developed policies based on overly stringent, invasive, and rigid medical requirements. These policies are not workable or advisable for high school and college athletes for a number of reasons.

For example, in 2004 the International Olympic Committee (IOC) developed a policy addressing the eligibility of transgender athletes to compete in IOC sanctioned events.⁶ While the IOC deserves credit for its pioneering effort to address the inclusion of transgender athletes, medical experts have identified serious flaws in the IOC policy, especially its requirement of genital reconstructive surgery, which lacks a well-founded medical or policy basis. Most transgender people—even as adults—do not have genital reconstructive surgery.⁷ In addition, whether a transgender person has genital reconstructive surgery has no bearing on their athletic ability. The IOC policy also fails to provide sufficient protections for the privacy and dignity of transgender athletes. Because of these serious flaws, high schools and colleges should not adopt or look to the IOC policy as a model.⁸

ERIC VILAIN

M.D., PH.D., PROFESSOR, DIRECTOR OF THE CENTER FOR GENDER-BASED BIOLOGY AND CHIEF MEDICAL GENETICS DEPARTMENT OF PEDIATRICS, UCLA



“ Requiring sex reassignment surgery before allowing participation for the high school or collegiate student athlete is medically unnecessary and not linked to competitive equity. IOC regulations requiring surgery for Olympic transgender athletes have been controversial and it would be unreasonable to make this a requirement for high school and college students. ”

⁶ International Olympic Committee, *Statement of the Stockholm Consensus on Sex Reassignment in Sport* (2003), http://www.olympic.org/Documents/Reports/EN/en_report_905.pdf.

⁷ Lisa Mottet, National Gay and Lesbian Task Force Policy Institute and National Center for Transgender Equality, “Preliminary Findings of the National Transgender Discrimination Survey” (2010).

⁸ Alice Dreger, “Sex Typing for Sport,” *Hastings Center Report* (March-April 2010).

There are additional reasons for high schools and colleges to create their own policies rather than adopt policies developed for adults. High school- and college-aged student athletes have developmental needs that differ from those of adults. For example, a core purpose of high school and college is to teach students how to participate and be good citizens in an increasingly diverse society and how to interact respectfully with others. In addition, high school and college athletic programs impose limits on how many years a student athlete can compete that do not exist in adult sporting competitions, where athletes can compete as long as their performances are viable or, in the case of most amateur sports, as long as they wish to.

It is also advisable that high school athletic programs adopt a different policy for including transgender student athletes than college athletic programs. Specifically, this report recommends that high schools permit transgender athletes to play on teams consistent with the student's gender identity, without regard to whether the student has undertaken any medical treatment. In contrast, the report recommends a more nuanced policy for collegiate athletics that is based, in part, upon whether a student athlete is undergoing hormone therapy.

The need for distinct high school and collegiate policies is based on several considerations. First, in high school settings, students are guaranteed the availability of a high school education and a corresponding opportunity to participate equally in all high school programs and activities. At the high school level, the focus should be on full participation in athletics for all students, within the limits of school resources to provide participation opportunities.

Second, intercollegiate sports are governed differently than high school sports. Intercollegiate athletics are regulated nationally by governing bodies that sponsor national competitions and oversee such functions as the random testing of student athletes for the use of banned substances thought to enhance athletic performance. Because testosterone is a banned substance under the current rules for intercollegiate competition, the inclusion of transgender student athletes in college sports must be consistent with those rules.

Third, high school student athletes are still growing and developing physically, cognitively, and emotionally. Because high school-aged students are still growing and maturing, they present a broader range of physical characteristics than collegiate student athletes do, and these differences should be taken into account in developing a policy for high school students.

Finally, high school-aged and younger transgender students are subject to different medical protocols than adults because of their age and physical and psychological development.⁹ The World Professional Association for Transgender Health (WPATH) has established guiding medical protocols for transitioning—the process by which a transgender person lives consistently with their gender identity—which may include treatments to have the person's physical presentation more closely align with their identity. Those protocols vary based on the age and psychological readiness of the young person.¹⁰ For children and youth, transition typically consists entirely of

⁹ Stephanie Brill and Rachel Pepper, *The Transgender Child: A Handbook for Families and Professionals* (San Francisco: Cleis Press, 2008).

¹⁰ World Professional Association for Transgender Health, *The Harry Benjamin International Gender Dysphoria Association's Standards Of Care For Gender Identity Disorders, Sixth Version* (2001). Available online at <http://www.wpath.org/documents2/socv6.pdf>.

permitting the child to dress, live, and function socially consistently with the child's gender identity. For youth who are approaching puberty, hormone blockers may be prescribed to delay puberty in order to prevent the youth from going through the traumatic experience of acquiring secondary sex characteristics that conflict with his or her core gender identity. For older youth, cross-gender hormones or even some sex-reassignment surgeries may be prescribed.



JAMISON GREEN

CENTER OF EXCELLENCE FOR TRANSGENDER HEALTH, UCSF, WPATH BOARD OF DIRECTORS

“ The World Professional Association for Transgender Health Board of Directors has stated that policies requiring surgery as a condition of identity recognition are not advisable as a matter of ethical healthcare. High schools and colleges should not require surgery for a student to compete in their affirmed gender. ”

All of these factors point to the need to develop policies for the inclusion of transgender student athletes in high school and college programs that take the relevant differences between the two settings into account. In the high school and college policies recommended below, we have attempted to take account of these differences.

Should the Participation of Transgender Student Athletes on School Teams Raise Concerns About Competitive Equity?

Concern about creating an “unfair competitive advantage” on sex-separated teams is one of the most often cited reasons for resistance to the participation of transgender student athletes. This concern is cited most often in discussions about transgender women or girls competing on a women's or girls' team. Some advocates for gender equality in high school and college sports are concerned that allowing transgender girls or women—that is, male-to-female transgender athletes who were born male, but who identify as female—to compete on women's teams will take away opportunities for other girls and women, or that transgender girls or women will have a competitive advantage over other non-transgender competitors.

These concerns are based on three assumptions: one, that transgender girls and women are not “real” girls or women and therefore not deserving of an equal competitive opportunity; two, that being born with a male body automatically gives a transgender girl or woman an unfair advantage when competing against non-transgender girls and women; and three, that boys or men might be tempted to pretend to be transgender in order to compete in competition with girls or women.

These assumptions are not well founded. First, the decision to transition from one gender to the other—to align one's external gender presentation with one's internal sense of gender identity—is

a deeply significant and difficult choice that is made only after careful consideration and for the most compelling of reasons. Gender identity is a core aspect of a person's identity, and it is just as deep seated, authentic, and real for a transgender person as for others. Male-to-female transgender women fully identify and live their lives as women, and female-to-male transgender men fully identify and live their lives as men. For many transgender people, gender transition is a psychological and social necessity. It is essential that educators in and out of athletics understand this.

Second, while some people fear that transgender women will have an unfair advantage over non-transgender women, it is important to place that fear in context. When examined carefully, the realities underlying this issue are more complex than they may seem at first blush. The basis of this concern is that transgender girls or women who have gone through male puberty may have an unfair advantage due to the growth in long bones, muscle mass, and strength that is triggered by testosterone. However, a growing number of transgender youth are undergoing medically guided hormonal treatment prior to puberty, thus effectively neutralizing this concern. Increasingly, doctors who specialize in treating transgender people are prescribing hormone blockers to protect children who clearly identify as the other gender from the trauma of undergoing puberty in the wrong gender and acquiring unwanted secondary sex characteristics. When the youth is old enough to make an informed decision, he or she can make the choice of whether to begin cross-gender hormones. Transgender girls who transition in this way do not go through a male puberty, and therefore their participation in athletics as girls does not raise the same equity concerns that might otherwise be present.

DR. WALTER BOCKTING, PH.D.
PRESIDENT OF WPATH, ASSOCIATE PROFESSOR,
UNIVERSITY OF MINNESOTA MEDICAL SCHOOL

“Differences within the sexes are considerable and often times larger than differences between the sexes.”



In addition, even transgender girls who do not access hormone blockers or cross-gender hormones display a great deal of physical variation, just as there is a great deal of natural variation in physical size and ability among non-transgender girls and boys. Many people may have a stereotype that all transgender girls and women are unusually tall and have large bones and muscles. But that is not true. A male-to-female transgender girl may be small and slight, even if she is not on hormone blockers or taking estrogen. It is important not to over generalize. The assumption that all male-bodied people are taller, stronger, and more highly skilled in a sport than all female-bodied people

is not accurate.¹¹ This assumption is especially inaccurate when applied to youth who are still developing physically and who therefore display a significantly broader range of variation in size, strength, and skill than older youth and adults.¹²



DR. NICK GORTON

AMERICAN BOARD OF EMERGENCY MEDICINE,
MEDICAL LEGAL CONSULTANT, TRANS HEALTH CARE

“Transgender student athletes fall within the spectrum of physical traits found in athletes of their transitioned gender, allowing them to compete fairly and equitably.”

It is also important to know that any athletic advantages a transgender girl or woman arguably may have as a result of her prior testosterone levels dissipate after about one year of estrogen therapy. According to medical experts on this issue, the assumption that a transgender girl or woman competing on a women’s team would have a competitive advantage outside the range of performance and competitive advantage or disadvantage that already exists among female athletes is not supported by evidence.¹³ As one survey of the existing research concludes, “the data available does not appear to suggest that transitioned athletes would compete at an advantage or disadvantage as compared with physically born men and women.”¹⁴

Finally, fears that boys or men will pretend to be female to compete on a girls’ or women’s team are unwarranted given that in the entire 40 year history of “sex verification” procedures in international

¹¹ In addition, what counts as a competitive advantage may shift dramatically depending on the sport. What is an advantage in one context may be a disadvantage in another. For example, factors such as height, weight, reaction time, and proportion of fast twitch muscle fibers all affect competitive advantage depending on the sport. A female volleyball player may be very tall, and yet few people would consider that to be an unfair competitive advantage in her sport. Similarly, a male swimmer may have a naturally high hemoglobin count enabling him to take in more oxygen, but he is not barred from swimming for that reason. Sarah Teetzel, “On Transgendered Athletes, Fairness and Doping: An International Challenge,” *Sport in Society: Cultures, Commerce, Media, Politics*, 1743-0445, Volume 9, Issue 2 (2006) Pages 227 – 251.

¹² Assuming that boys have an automatic advantage over girls is particularly false with respect to prepubescent children, where gender plays virtually no role in determining relative athletic ability. For that reason, we strongly recommend that school and recreational sports adopt the policy recommended by the Transgender Law and Policy Institute and endorsed by Gender Spectrum. Transgender Law and Policy Institute, *Guidelines for Creating Policies for Transgender Children in Recreational Sports* (2009).

¹³ Brenda Wagman, Promising Practices: Working with Transitioning/Transitioned Athletes in Sport Project, AthletesCAN, Canadian Association for the Advancement of Women in Sport, and the Canadian Centre for Ethics in Sport, *Including Transitioning and Transitioned Athletes in Sport: Issues, Facts and Perspectives* (2009). Available online at http://www.caaws.ca/e/resources/pdfs/Wagman_discussion_paper_THE_FINAL.pdf.

¹⁴ Michaela C. Devries, “Do Transitioned Athletes Compete at an Advantage or Disadvantage as compared with Physically Born Men and Women: A review of the Scientific Literature” (May 18, 2008). Including Transitioning and Transitioned Athletes, *supra* note 13. Available online at http://www.caaws.ca/e/resources/pdfs/Wagman_discussion_paper_THE_FINAL.pdf.

sport competitions, no instances of such “fraud” have been revealed.¹⁵ Instead, rather than identifying men who are trying to fraudulently compete as women, “sex verification” tests have been misused to humiliate and unfairly exclude women with intersex conditions.¹⁶ The apparent failure of such tests to serve their stated purpose of deterring fraud—and the terrible damage they have caused to individual women athletes—should be taken into account when developing policies for the inclusion of transgender athletes.

Rather than repeating the mistakes of the past, educators in high school and collegiate athletics programs must develop thoughtful and informed policies that provide opportunities for all students, including transgender students, to participate in sports. These policies must be based on sound medical science, which shows that male-to-female transgender athletes do not have any automatic advantage over other women and girls. These policies must also be based on the educational values of sport and the reasons why sport is included as a vital component of the educational environment: promoting the physical and psychological well-being of all students, and teaching students the values of equality, participation, inclusion, teamwork, discipline, and respect for diversity.

What Are the Benefits of Adopting Inclusive Policies and Practices Regarding Transgender Student Athletes?

All stakeholders in high school and collegiate athletics will benefit from adopting fair and inclusive policies enabling transgender student athletes to participate on school sports teams. School-based sports, even at the most competitive levels, remain an integral part of the process of education and development of young people, especially emerging leaders in our society. Adopting fair and inclusive participation policies will allow school and athletic leaders to fulfill their commitment to create an environment in which all students can thrive, develop their full potential, and learn how to interact with persons from diverse groups.

DONNA ROSE
TRANSGENDER ACTIVIST, WRESTLER

“To deny us the opportunity to participate and to compete and to potentially excel is to take away part of ourselves that we cherish.”



¹⁵ Erin Buzuvis, “Caster Semenya and the Myth of the Level Playing Field,” *Social Science Research Network* (2009). Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1521674.

¹⁶ Joe Leigh Simpson et al, “Gender Verification in the Olympics,” *JAMA* (2000); 284: 1568-1569; see also Sex Typing for Sport, supra note 8.

Many schools and athletic departments identify diversity as a strength and have included sexual orientation and gender identity/expression in their non-discrimination policies. Athletic departments and personnel are responsible for creating and maintaining an inclusive and non-discriminatory climate in the areas they oversee. Adopting inclusive participation policies provides school athletic leaders with a concrete opportunity to fulfill that mandate and demonstrate their commitment to fair play and inclusion.

Moreover, when all participants in athletics are committed to fair play, inclusion, and respect, student athletes are free to focus on performing their best in athletic competition and in the classroom. This climate promotes the well-being and achievement potential of all student athletes. Every student athlete and coach will benefit from meeting the challenge of overcoming fear and prejudice about social groups of which they are not members. This respect for difference will be invaluable to all student athletes as they graduate and enter an increasingly diverse workforce in which knowing how to work effectively across differences is a professional and personal asset.

What Are Harmful Potential Consequences of Failure to Adopt Transgender-Inclusive Policies and Practices?

When schools fail to adopt inclusive participation policies, they are not living up to the educational ideals of equality and inclusion, and may reinforce the image of athletics as a privileged activity not accountable to broad institutional and societal ideals of inclusion and respect for difference. Moreover, this failure puts schools, athletic conferences, and sport governing organizations at risk of costly discrimination lawsuits and negative media attention.



KEELIN GODSEY
TRANSGENDER STUDENT ATHLETE,
BATES COLLEGE, 2006

“ I have found it is nearly impossible to be both trans and an athlete. Being an athlete and being trans are both a part of my identity. I wish I didn’t feel like I have to choose one or the other. ”

Failing to adopt transgender-inclusive participation policies is hurtful to and discriminates against transgender students because they may be denied the opportunity to participate in school sports. School sports programs are integral parts of a well-rounded education experience. The benefits of school sports participation include many positive effects on physical, social, and emotional well-being. All students, including those who are transgender, deserve access to these benefits.¹⁷

¹⁷ Kirk Mango, “The Benefits of Competitive Athletic Sports Participation in Today’s Sports Climate,” *Chicago Now* (February 16, 2010). Available online at <http://www.chicagonow.com/blogs/athletes-sports-experience/2010/02/the-benefits-of-competitive-athletic-sports-participation-in-todays-sports-climate.html>.

Failure to adopt inclusive participation policies also hurt non-transgender students by conveying a message that the values of non-discrimination and inclusion are less important than values based on competition and winning. Schools must model and educate about non-discrimination values in all aspects of school programming, not only for students, but for parents and community members as well.

Last but not least, failure to adopt policies that ensure equal opportunities for transgender student athletes may also result in costly and divisive litigation. As described in Appendix B, a growing number of states and localities are adopting specific legal protections for transgender students. In addition, state and federal courts are increasingly applying sex discrimination laws to prohibit discrimination against transgender people.

JILL PILGRIM

FORMER GENERAL COUNSEL & DRUG TESTING
PROGRAM ADMINISTRATOR LADIES PROFESSIONAL
GOLF ASSOCIATION



“ High Schools and colleges need to adopt transgender student athlete accommodation policies to remedy the silent suffering of young people who have the right to participate and enjoy the same activities that all other students have access to, without being discriminated against. ”

Several studies show that schools are often hostile places for transgender students and other students who do not conform to stereotypical gender expectations.¹⁸ These students are frequently subjected to peer harassment and bullying which stigmatizes and isolates them. This mistreatment can lead to feelings of hopelessness, depression, and low self-esteem. When a school or athletic organization denies transgender students the ability to participate in sports because of their gender identity or expression, that condones, reinforces and affirms their social status as outsiders or misfits who deserve the hostility they experience from peers.

Finally, the absence of transgender-inclusive policies and practices reinforces stereotypes and fears about gender diversity. When transgender students are stigmatized and excluded, even non-transgender students may experience pressure to conform to gender-role stereotypes as a way to avoid being bullied or harassed themselves.

¹⁸ Harsh Realities, *supra* note 3.

PART TWO:

POLICY RECOMMENDATIONS FOR INCLUDING TRANSGENDER STUDENT ATHLETES

PART TWO: POLICY RECOMMENDATIONS FOR INCLUDING TRANSGENDER STUDENT ATHLETES

This section of the report includes:

- **Guiding Principles**
- **General Recommendations**
- **Recommended Policy for High School Athletics**
- **Recommended Policy for College Athletics**
- **Additional Guidelines for Transgender Student Athlete Inclusion**

Guiding Principles

We recommend that policies governing the participation of transgender student athletes be informed by the following principles, which provided a philosophical foundation for the think tank participants.

Think Tank participants were committed to these guiding principles based on the belief that athletic participation is an integral part of the educational experience. This report recommends that, in addition to an organization's stated values, the following principles be included in the transgender student athlete policy statement:

1. Participation in interscholastic and intercollegiate athletics is a valuable part of the education experience for all students.
2. Transgender student athletes should have equal opportunity to participate in sports.
3. The integrity of women's sports should be preserved.
4. Policies governing sports should be based on sound medical knowledge and scientific validity.
5. Policies governing sports should be objective, workable, and practicable; they should also be written, available and equitably enforced.
6. Policies governing the participation of transgender students in sports should be fair in light of the tremendous variation among individuals in strength, size, musculature, and ability.
7. The legitimate privacy interests of all student athletes should be protected.

8. The medical privacy of transgender students should be preserved.
9. Athletic administrators, staff, parents of athletes, and student athletes should have access to sound and effective educational resources and training related to the participation of transgender and gender-variant students in athletics.
10. Policies governing the participation of transgender students in athletics should comply with state and federal laws protecting students from discrimination based on sex, disability, and gender identity and expression.

General Recommendations

1. Schools should adopt transgender student athlete inclusive policies proactively, rather than waiting for a transgender student to express an interest in sports participation. Proactive adoption of such a policy enables school and athletic administrators to educate staff, students and parents about the policy and increases the likelihood that inclusion of transgender students on school teams will occur in a timely, fair and effective manner. The adoption of comprehensive, consistent policies, and the institution of training concerning participation of transgender student athletes before the instance of a transgender student asking to participate also prevent situations in which a student may be subject to harassment or other unwanted or undue attention.
2. Policies governing the participation of transgender student athletes should be adopted by national and state athletic associations and implemented within individual school districts at the individual school level. The advantage of adopting a single national policy for all high schools and a single national policy for intercollegiate athletics is that it provides consistency for state eligibility rules, conference and tournament eligibility, and national competitive tournaments. This consistency reduces the likelihood of student athletes being held to different eligibility requirements in different states.
3. The adoption of a single national standard for high schools and a single national standard for colleges would also enable an easier transition for high school transgender student athletes moving to another state, or for transgender student athletes in college to transfer to a program in another state. Policy consistency eliminates confusion and ensures that transgender student athletes will be afforded an opportunity to compete in every state at both the high school and collegiate levels. Add or amend school non-discrimination policies to include “gender identity and expression.”
4. Policies should focus on maximizing inclusiveness, rather than restricting students’ opportunities to participate based on their gender identity or expression.
5. Policies should reflect the educational values of the organization adopting them and include procedures for implementation, protection of student confidentiality, and appeal.
6. Policies should enable all student athletes, regardless of their gender identity or expression, to compete in a safe, competitive, and respectful environment free of discrimination.

7. Policies should use clear and consistent language that reflects understanding of the concepts of transgender, gender identity, and gender expression.
8. Policies should be in written form and included in all school organizational rulebooks, eligibility guidelines, and student athlete handbooks and should be made readily available to all stakeholders including administrators, coaches, students, and parents.
9. Educational resources should be made available to all national, state and local athletic associations and conferences, school athletic staff, parents, and student athletes, including:
 - Information about gender identity and expression
 - State and federal non-discrimination and anti-harassment laws pertaining to transgender students
 - Best practices for including transgender student athletes on teams, and
 - Information about the transgender student athlete participation policy in the student athlete handbook.

A HIGH SCHOOL STUDENT ATHLETE A PERSONAL STORY

“ I am blessed to have a mom who has always accepted me, even though I know that it was hard for her at first. Knowing that my mom was always there to fight for my rights, and that she is not ashamed of me helped me to have the confidence to participate in sports. ”

I've been on the cross country and track teams since before I started to transition. At first, I had to be on the boys' team. I always felt terrible, out of place, and like I was living a lie.

When I first started to transition, I was able to be on the girls' team. I was so excited to be with the girls, but I was not allowed to “officially” compete and that was hard.

I'll be a senior this fall. Looking back at these last three years competing on the girls' cross country and track team, I feel really good about my experience as a transgender student athlete in my high school. I know I couldn't have done it without the help of

people who have loved and supported me, and fought for my right to be myself no matter what.

My mom was always with me, and she talked to the coaches about what I needed so I could participate fully on the team. My coaches are great. They do not treat me like I am different. To them, I am just another girl on the team.

Before I had surgery, I was able to talk to my female coach about how uncomfortable I would be wearing the speed suits that are required when running, and she was able to figure out a solution that did not single me out. My coaches also made sure that I

was accepted and safe when I started to use the girls' restroom and locker room. And I have teammates that are genuinely accepting, and defend me if others on the team are teasing me, or saying things about me behind my back.

Overall, I believe that taking the time to educate my teammates, being honest, and holding my head high has helped me to be a successful student athlete. I know that there are still people who don't accept or understand what it means to be transgender, but I don't let them get in my life, or in the way of my success on the track or off.

POLICY RECOMMENDATIONS FOR HIGH SCHOOL AND COLLEGIATE ATHLETICS

The following policy recommendations are for high school and collegiate athletic programs and should not be assumed appropriate for younger age groups. We recommend that policies for younger athletes should be adopted specifically for that age group and should follow the general guidelines developed by the Transgender Law and Policy Institute and endorsed by Gender Spectrum which states that prepubescent young people should be able to commit in recreational and school sports according to their gender identity.¹⁹

We urge readers to keep in mind that policy development governing the inclusion of transgender student athletes is an emerging endeavor. As new research on the participation of transgender athletes and the physiological effects of gender transition on athletic performance becomes available, policies may need to be reevaluated to ensure that they reflect the most current research-based information.

Recommended Policy for High School Athletics

A transgender student athlete at the high school level shall be allowed to participate in a sports activity in accordance with his or her gender identity irrespective of the gender listed on the student's birth certificate or other student records, and regardless of whether the student has undergone any medical treatment. This policy shall not prevent a transgender student athlete from electing to participate in a sports activity according to his or her assigned birth gender.

RECOMMENDED IMPLEMENTATION PROCEDURES

1. Notice to the School: The student and/or parents shall contact the school administrator or athletic director indicating that the student has a consistent gender identity different than the gender listed on the student's school registration records or state birth record, and that the student desires to participate in activities in a manner consistent with his/her gender identity.
2. Notice to the State Interscholastic Athletic Association (SIAA): The athletic director shall notify the SIAA of the student's interest in participating.
3. Once the athletic director grants the student eligibility to participate in the sport consistent with his/her gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the student and family make these records available.
4. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the student and family

¹⁹ Transgender Law and Policy Institute, *Guidelines for Creating Policies for Transgender Children in Recreational Sports* (2009). Online at http://www.transgenderlaw.org/resources/TLPI_GuidelinesforCreatingPoliciesforTransChildreninRecSports.pdf; Gender Spectrum, "School Policies and the Law: School Sports," available online at http://www.genderspectrum.org/index.php?option=com_content&view=article&id=24&Itemid=38.

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make a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.

5. Should any questions arise about whether a student's request to participate in a sports activity consistent with his or her gender identity is bona fide, a student may seek review of his or her eligibility for participation through the procedure set forth below:

A. First Level of Appeal: The student will be scheduled for an appeal hearing before an SIAA eligibility committee specifically established to hear gender identity appeals. The SIAA shall schedule a hearing as expeditiously as possible, but in no case later than five (5) school business days of the student's school prior to the first full interscholastic contest that is the subject of the petition, or within a reasonable time thereafter in cases of emergency, including, but not limited to, any unforeseeable late student enrollment. The Gender Identity Eligibility Committee will be comprised of a minimum of three of the following persons, at least one of whom must be from the physician or mental health professional categories:

- Physician with experience in transgender health care and the World Professional Association for Transgender Health (WPATH) Standards of Care
- Psychiatrist, psychologist, or licensed mental health professional familiar with the WPATH Standards of Care
- School administrator from a non-appealing school
- SIAA staff member
- Advocate familiar with issues of gender identity and expression

B. Documentation: The appealing student should provide the Eligibility Committee with the following documentation and information:

- Current transcript and school registration information
- Documentation of the student's consistent gender identification (e.g., written statements from the student and/or parent/guardian and/or health care provider)
- Any other pertinent documentation or information

C. Committee Decision Process: The student's appeal should be granted upon the committee's receipt of the documentation noted above.

D. Second Level of Appeal: If the Gender Identity Eligibility Committee denies the student's request to participate, the student can file a notice of appeal with the Executive Director of the SIAA on or before the tenth (10th) school business day following the date of receipt of the written decision of the Gender Identity Eligibility Committee denying the petition. An appeal to the SIAA Executive

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Director shall require the Executive Director to schedule a hearing to commence on or before the tenth (10th) school business day following the date of receipt of the written notice of appeal. Written notice of the time and place of the hearing shall be delivered to the appealing student in person or by certified mail, with return receipt requested, no later than five (5) school business days of the student's school prior to the date of the hearing.

- E. When there is confirmation of a student's consistent gender identity, the Eligibility Committee/SIAA Executive Director will affirm the student's eligibility to participate in SIAA activities consistent with the student's gender identification.



MIKE COLBRESE

EXECUTIVE DIRECTOR, WASHINGTON
INTERSCHOLASTIC ACTIVITIES ASSOCIATION

“ The WIAA’s gender identity/expression policy, which was adopted two years ago, has been successful in its implementation in the eyes of student athletes, teammates, coaches, athletic directors, parents, and the state association. ”

Our think tank report recommendation for interscholastic athletics is based on the Washington Interscholastic Activities Association (WIAA) Gender Identity/Expression policy adopted in 2008. The WIAA adopted this non-discrimination policy permitting transgender student athletes to participate according to their gender identity. This policy and specific procedural steps that students and schools are required to follow are described in the WIAA Official Handbook. WIAA officials report that this policy is working as planned in providing equal opportunity for currently participating transgender student athletes. The WIAA policy is, as of 2010, the best working policy governing the participation of transgender student athletes in high school sports and is consistent with contemporary medical knowledge and practice and with the principles of inclusion and non-discrimination, as well as with laws prohibiting discrimination against transgender persons. (See Part Five: Appendix B)

As a final note, it is important to recognize that some high school transgender athletes will have undergone hormonal treatments or even surgeries, and others will not. This recommended policy—which requires inclusion regardless of whether a transgender student has undergone any medical treatment—recognizes that regulating access to high school sports based on medical treatment would be unfair and too complicated for this level of competition. However, high schools should ensure that transgender student athletes are aware of any policies that may affect their ability to compete at the collegiate level so that they can make informed choices about how medical transition may affect their eligibility to participate in collegiate athletics.

KEELIN GODSEY

FORMER STUDENT ATHLETE, BATES COLLEGE, 2006,
NORTHEASTERN COLLEGE, 2010



Photo courtesy of Jeff Sheng

I was 18 when I started to figure out I was transgender, but the thought of telling anyone was absolutely frightening. I didn't have the support system I needed and I didn't know how it would impact my track and field career.

I started researching rules and regulations for transgender athletes, and while I was able to find a policy from the International Olympic Committee, I couldn't find anything that would apply to me at the collegiate level. I later found out it was because they didn't have any policies.

I also tried to find information about transgender athletes, which, at the time, was like trying to find a needle in a haystack. I became very fearful that you couldn't be transgender and a champion collegiate athlete at the same time. This fear, the lack of policies and information about successful transgender athletes, and the fact that I was the track team's biggest scorer

and a national contender each year, caused me to hold off on coming out as transgender for almost three years. I was so afraid of losing everything I had worked so hard to accomplish in track and field and that I would no longer be able to compete in something that defined me as much as being transgender does.

But by the end of my junior year I couldn't hide who I was anymore. I felt I had no choice but to face the consequences head on and come out as FTM. I was afraid if I didn't, I wouldn't make it through my senior year. I started by coming out to a professor/mentor. This wasn't too hard, but I knew that I had to come out to the athletic director, and that getting his/her support was imperative in order for my "transition" of names and pronouns to work and my continued participation on the women's track and field team to go smoothly.

At the time, my track team had a new head coach, and I was really nervous about how she was going to respond. But after having a long talk with her it was clear that she understood and that she was there to help. Together, we were able to think through how my coming out might effect the team, and come up with the best plan for telling my teammates. When I came out to the team, I wasn't met with the fear and hate that I was expecting. In fact, it was the complete opposite.

My team was awesome. The only thing that was said was, "Please forgive us if we slip on the pronouns while we adjust." And, to tell the truth, I don't think I ever once heard them slip up on pronouns.

Everyone's biggest concern was how my transition was going to be received outside of Bates, as, at that time, the NCAA didn't have any rules or guidelines about transgender athletes. Since I was already a national champion in the Women's Hammer Throw, as well as holding the DIII national record as an 11-time all-American, we knew my coming out was very much going to be a public event. Unfortunately, things went less smoothly off-campus than on. I was extremely lucky though to have the support of my teammates and my coach, who helped me succeed despite all of the outside stresses I experienced as an FTM competing at the national level on a women's team. My teammates were the first to defend me when people were being hateful, when the media was stalking me or when I was repetitively accused of cheating despite all of my clean drug (testosterone) tests. I had chosen to forego any medical transitioning to remain on my women's team. My team was also there to share in the positive things that happened as a result of my coming out.

Recommended Policy for College Athletics

A transgender student athlete at the college level should be allowed to participate in any sports activity so long as that athlete's use of hormone therapy, if any, is consistent with the National Governing Body's (NGB) existing policies on banned medications. Specifically, a transgender student athlete should be allowed to participate in sex-separated sports activities under the following conditions:

I. Participation in Sex-Separated Sport Teams

A. Transgender student athletes who are undergoing hormone treatment

1. A male-to-female (MTF) transgender student athlete who is taking medically prescribed hormone treatment related to gender transition may participate on a men's team at any time, but must complete one year of hormone treatment related to gender transition before competing on a women's team.²⁰
2. A female-to-male (FTM) transgender student athlete who is taking medically prescribed testosterone related to gender transition may not participate on a women's team after beginning hormone treatment, and must request a medical exception from the National Governing Body (NGB) prior to competing on a men's team because testosterone is a banned substance.
3. A female-to-male (FTM) transgender student athlete who is taking medically prescribed testosterone for the purposes of gender transition may compete on a men's team.
4. In any case where a student athlete is taking hormone treatment related to gender transition, that treatment must be monitored by a physician, and the NGB must receive regular reports about the athlete's eligibility according to these guidelines.

B. Transgender student athletes who are NOT undergoing hormone treatment

1. Any transgender student athlete who is not taking hormone treatment related to gender transition may participate in sex-separated sports activities in accordance with his or her assigned birth gender.
2. A female-to-male transgender student athlete who is not taking testosterone related to gender transition may participate on a men's or women's team.
3. A male-to-female transgender student athlete who is not taking hormone treatments related to gender transition may not compete on a women's team.

²⁰ Recent research indicates that most salient physical changes likely to affect athletic performance occur during the first year of hormone treatment making a longer waiting period unnecessary. Goorin, Louis, and Mathijs Bunck, "Transsexuals and Competitive Sports," *European Journal of Endocrinology* 151 (2004): 425-429. Available online at <http://www.eje.org/cgi/reprint/151/4/425.pdf>

ERIC VILAIN

M.D., PH.D., PROFESSOR, DIRECTOR OF THE CENTER FOR
GENDER-BASED BIOLOGY AND CHIEF MEDICAL GENETICS
DEPARTMENT OF PEDIATRICS, UCLA



“ Research suggests that androgen deprivation and cross sex hormone treatment in male-to-female transsexuals reduces muscle mass; accordingly, one year of hormone therapy is an appropriate transitional time before a male-to-female student athlete competes on a women’s team. ”

II. Participation in Mixed Gender Sport Activities

A mixed team has both female and male participants and may be restricted in championship play according to specific national governing body rules.

A. Transgender student athletes who are undergoing hormone treatment

1. For purposes of mixed gender team classification, a male-to-female (MTF) transgender student athlete who is taking medically prescribed hormone treatment related to gender transition shall be counted as a male participant until the athlete has completed one year of hormone treatment at which time the athlete shall be counted as a female participant.
2. For purposes of mixed gender team classification, a female-to-male (FTM) transgender student athlete who is taking medically prescribed testosterone related to gender transition shall be counted as a male participant and must request a medical exception from the National Governing Body (NGB) prior to competing because testosterone is a banned substance.

B. Transgender student athletes who are NOT undergoing hormone treatment

1. For purposes of mixed gender team classification, a female-to-male (FTM) transgender student athlete who is not taking testosterone related to gender transition may be counted as either a male or female.
2. For purposes of mixed gender team classification, a female-to-male (FTM) transgender student athlete who is not taking testosterone related to gender transition participating on a women’s team shall not make that team a mixed gender team.
3. For purposes of mixed gender team classification, a male-to-female (MTF) transgender student athlete who is not taking hormone treatment related to gender transition shall count as a male.

III. Recommended Implementation Process**A. The student's responsibility**

1. In order to avoid challenges to a transgender student's participation during a sport season, a student athlete who has completed, plans to initiate, or is in the process of taking hormones as part of a gender transition shall submit the request to participate on a sports team in writing to the athletic director upon matriculation or when the decision to undergo hormonal treatment is made.
2. The student shall submit her or his request to the athletic director. The request shall include a letter from the student's physician documenting the student athlete's intention to transition or the student's transition status if the process has already been initiated. This letter shall identify the prescribed hormonal treatment for the student's gender transition and documentation of the student's testosterone levels, if relevant.

B. Individual School and National Governing Body Responsibilities

1. The athletic director shall meet with the student to review eligibility requirements and procedure for approval of transgender participation.
2. The athletic director shall notify the NGB of the student's request to participate. The NGB will assign a facilitator to assist the athletic director in responding to the request.
3. If a student athlete's request is denied by the athletic director, the decision must be automatically reviewed by a Transgender Participation Committee to be established by a school administrator. This committee shall be convened and its decision reported to the athletic director and school administrator in a timely fashion. This committee should include:
 - A health care professional, e.g. physician, psychiatrist, psychologist or other licensed health professional with experience in transgender health care and the World Professional Association for Transgender Health (WPATH) Standards of Care. The student athlete's physician can serve in this role.
 - A faculty athletic representative; and
 - A representative assigned by the institution's president with expertise in institutional anti-discrimination policy, such as someone from the institution's human resources, ombuds office, or Americans with Disabilities compliance office.

4. The athletic director will notify the NGB of the appeal outcome.
5. The NGB will confirm that the treatment requirement has been met.

6. Transgender student athletes subject to a one-year transition period should receive an extension of their eligibility at the end of their transition period, upon timely review and approval by the NGB.
7. An opposing team or school may only challenge a transgender student athlete's approved eligibility through the accepted formal appeal process of the NGB.
8. All discussions among involved parties and required written supporting documentation should be kept confidential, unless the student athlete makes a specific request otherwise. All information about an individual student's transgender identity and medical information, including physician's information provided pursuant to this policy, shall be maintained confidentially.*

[*The NGB should provide a model confidentiality policy for member institutions, including information about medical waivers.]

ADDITIONAL GUIDELINES FOR TRANSGENDER STUDENT ATHLETE INCLUSION

In addition to overall eligibility policy, we recommend that the following additional guidelines be adopted by individual schools at both the high school and college level. These guidelines will assist schools, athletic departments, coaches, teams, and student athletes in creating an environment in which all student athletes are safe and fairly treated.

Facilities Access

1. Changing Areas, Toilets, Showers—Transgender student athletes should be able to use the locker room, shower, and toilet facilities in accordance with the student's gender identity. Every locker room should have some private, enclosed changing areas, showers, and toilets for use by any athlete who desires them. When requested by a transgender student athlete, schools should provide private, separate changing, showering, and toilet facilities for the student's use, but transgender students should not be required to use separate facilities.
2. Competition at Another School—If a transgender student athlete requires a particular accommodation to ensure access to appropriate changing, showering, or bathroom facilities, school leaders, athletic directors, and coaches, in consultation with the transgender student athlete, should notify their counterparts at other schools prior to competitions to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student's confidentiality. Under no circumstances should a student athlete's identity as a transgender person be disclosed without the student's express permission.
3. Hotel Rooms—Transgender student athletes generally should be assigned to share hotel rooms based on their gender identity, with a recognition that any student who needs extra privacy should be accommodated whenever possible.

Language

1. Preferred Names—In all cases, teammates, coaches and all others in the school should refer to transgender student athletes by a student's preferred name.
2. Pronouns—Similarly, in all cases, pronoun references to transgender student athletes should reflect the student's gender and pronoun preferences.

Dress Codes and Team Uniforms

1. Dress Codes—Transgender athletes should be permitted to dress consistently with their gender identities. That is, a female-to-male transgender athlete should be permitted to dress as a male. A male-to-female should be permitted to dress as a female.

For reasons unrelated to trans-inclusion, schools should evaluate the necessity of gendered dress codes and recognize that they tend to marginalize a range of students who may not feel comfortable with them. Dress codes for athletic teams when traveling or during a game day at school should be gender-neutral. Instead of requiring a girls' or women's team to wear dresses or skirts, for example, ask that team members wear dresses or slacks that are clean, neat, well cared for and appropriately "dressy" for representing their school and team.

2. Uniforms—All team members should have access to uniforms that are appropriate for their sport and that they feel comfortable wearing. No student should be required to wear a gendered uniform that conflicts with the student's gender identity.

Education

1. In School—All members of the school community should receive information and education about transgender identities, school or district non-discrimination policies, the use of preferred names and pronouns, and expectations for creating a respectful team and school climate for all students, including transgender and gender-variant students.
2. Athletic Conference Personnel—Athletic conference leaders should be educated about the need for policies governing the participation of transgender student athletes, develop such policies, and ensure that all schools in the conference understand and adopt the policies.
3. Opposing Teams/Schools—Without violating a transgender student's confidentiality or privacy, school leaders, athletic directors, and coaches should communicate with their counterparts at other schools prior to competitions in which a transgender athlete is participating about expectations for treatment of transgender student athletes on and off the field. This does not require "outing" or otherwise identifying a particular student athlete as transgender, but rather establishing general expectations for the treatment of all student athletes, including those who may be transgender.

Media

1. Training—All school or athletic representatives (conference and/or state leaders, sports information departments and personnel, school leaders, athletic administrators, team members, and coaches) who are authorized to speak with the media should receive information about appropriate terminology, use of preferred names and pronouns, and school and athletic conference policies regarding the participation of transgender student athletes on school sports teams.
2. Confidentiality—Protecting the privacy of transgender student athletes must be a top priority for all athletic department and affiliated school personnel, particularly when in the presence of the media. All medical information shall be kept confidential in accordance with applicable state, local, and federal privacy laws.

Enforcement and Non-Retaliation

1. Enforcement—Any member of an athletics department who has been found to have violated this policy by threatening to withhold athletic opportunity or harassing any student on the basis of their gender identity or expression, or by breaching medical confidentiality will be subject to disciplinary action, up to and including discharge or expulsion from the school. The athletic department will also take appropriate remedial action to correct the situation. Any member of the athletic department who becomes aware of conduct that violates this policy should report the conduct to the appropriate official such as the athletic director.
2. Retaliation—Retaliation is specifically forbidden against anyone who complains about discrimination based on gender identity or expression, even if the person was in error. This athletic department will take steps to prevent any retaliation against any person who makes such a complaint.

PART THREE:

BEST PRACTICES RECOMMENDATIONS FOR IMPLEMENTING TRANSGENDER STUDENT ATHLETE INCLUSION POLICIES

PART THREE: **BEST PRACTICES RECOMMENDATIONS FOR IMPLEMENTING TRANSGENDER STUDENT ATHLETE INCLUSION POLICIES**

Part Three describes best practices—the actions that coaches, administrators, student athletes, and parents of transgender student athletes can take to assure the inclusion of transgender student athletes. Although these practices specifically address transgender student athletes, they can be used to address discrimination based on other factors as well, such as race, religion, class, and sexual orientation.

The first part of this section describes general best practices for everyone. The next sections identify best practices we recommend specifically to athletic administrators, coaches, student athletes, and parents of student athletes, as well as athletic staff who interact with the media.

Overall Best Practices

1. **Provide Equal Opportunity**—Colleges and universities often have legal obligations to provide equal opportunity to student athletes and to personnel, including coaches. All those involved in athletics should be aware of these obligations, and treat them as core values guiding policies and practices. Transgender discrimination may be a part of a systemic problem where the broader environment is unfriendly or discriminatory toward lesbian, gay, bisexual, and transgender people. This will negatively affect all boys, girls, men, and women who participate in athletic competition. If discrimination is accepted as part of the common practices of an athletic department, this will undermine the core principle of equal opportunity.
2. **Value Diversity**—In creating guidelines or best practices for including transgender student athletes, it is important to place this conversation in the context of the athletic department's broad commitments to safety, fairness, and respect for all participants. It helps when athletic department leadership, including coaches, value all aspects of diversity. Collegiate athletics provide an opportunity for students to compete with and against others who come from different races, cultures, religions, sexual orientations, gender identities and expressions, and social classes, but all of whom share the common goal of achieving athletic excellence. Valuing this common ground enhances the social and competitive experience for all. Athletic administrators should make their commitment to valuing diversity explicit in media interviews and other public speaking opportunities as well as in meetings with athletic department staff. That diversity-valuing approach then shapes and informs activities throughout the athletic department and is conveyed to coaches and student athletes. Everyone should also understand how these core values are important to team success and to individual team member development. Teams that value each member's contribution to the unit, while respecting individual differences, provide a foundation for the whole team and each member of the team to focus on achieving their athletic and academic goals.

3. When diversity values are explicit, athletic departments, institutions, state, and national governing organizations are in a position to develop specific policy statements that reflect a commitment to these values. These policy statements, if followed, protect schools, administrators, student athletes, and coaches from litigation and other negative consequences. Coaches should know that they may have a transgender student athlete on their teams and should be equipped to make that experience a positive one for the athlete and their teammates. Parents should communicate the importance of these values in meetings with prospective coaches and athletic administrators. Student athletes can discuss these values with new team members and in public speaking opportunities.

**LAURIE PRIEST**

CHAIR OF PHYSICAL EDUCATION AND DIRECTOR
OF ATHLETICS, MT. HOLYOKE COLLEGE

“ It is imperative that administrators and coaches provide a safe and inclusive environment so that all student athletes can participate and achieve success. Being aware of appropriate laws can help us to develop policies and implement practices to assure that all of our students are treated with respect. ”

Best Practices for Athletic Administrators

Best practices for athletic administrators focus on policy development, discrimination prevention, education, enforcement procedures, and consequences. These best practices will be helpful to a wide range of athletic administrators in organizations including colleges and universities, high schools, sport-governing organizations, coaches associations, and sports conferences.

1. If the school does not have an inclusive non-discrimination and harassment policy, work with other school administrators to adopt a policy that includes gender identity and expression.
2. Respect the right to privacy of all student athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
3. Become knowledgeable about school non-discrimination and harassment policies that include gender identity and expression.
4. Include gender identity and expression in departmental non-discrimination statements on all official department documents and web sites.
5. Become aware of state and federal non-discrimination laws that prohibit discrimination

based on gender identity and expression (see Part 5 Appendix B for a list of relevant federal and state laws).

6. Adopt an effective and fair athletic departmental policy addressing the participation of transgender student athletes that is consistent with school policy and state or federal non-discrimination laws.
7. Educate all members of the athletic department community (including staff, student athletes, and parents) about departmental and school policy regarding the participation of transgender student athletes in athletics.
8. Educate yourself about transgender identity, preferred terminology, and current scientific perspectives on the participation of transgender student athletes on men's and women's sports teams.
9. Work with athletic conferences of which your school is a member to adopt fair and effective policies governing the participation of transgender student athletes.
10. Recommend that your athletic conference sponsor educational programs for coaches and student athletes on the inclusion of transgender student athletes, preferred terminology, and understanding transgender identity.
11. Recommend that professional associations for athletic administrators sponsor educational programs on the inclusion of transgender student athletes, preferred terminology, understanding transgender identity, and adopting fair and effective policies.
12. Educate all members of the sports information department about transgender identity, preferred terminology, department policies governing the participation of transgender student athletes, and confidentiality requirements when discussing transgender student athlete participation with the media.

Best Practices for Coaches

Best practices for coaches focus on acquiring knowledge about transgender student athletes, understanding legal and ethical obligations, maintaining professional conduct, and ensuring that those with whom coaches work are also educated and aware of these issues.

1. Become knowledgeable about school non-discrimination and harassment policies that include gender identity and expression
2. Become knowledgeable about departmental and school policy regarding the participation of transgender student athletes in athletics.
3. If your department does not have a policy addressing the participation of transgender student athletes, ask your athletic director to adopt one.
4. Educate student athletes on your team about transgender identity, preferred terminology,

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and departmental/school policies regarding the participation of transgender student athletes on sports teams.

5. Be prepared to talk with parents of student athletes about transgender student athletes' participation on school teams.
6. Use respectful and preferred language and terminology when discussing transgender student athlete participation or interacting with a transgender student athlete.
7. Anticipate and address transgender student athlete access issues proactively and in accordance with departmental policy regarding locker room use, toilet and shower availability, hotel room assignment, uniforms and dress codes.
8. Recommend that coaches associations to which you belong adopt fair and effective policy statements addressing the participation of transgender student athletes.
9. Recommend that coaches associations to which you belong sponsor educational programs addressing the participation of transgender student athletes.
10. If you are aware of discriminatory or harassing behavior from opposing teams or spectators based on the perceived or actual gender identity or expression of a student athlete, talk to the opposing coach and ask your athletic director to talk with the opposing school's athletic director.
11. Respect the right to privacy of all student athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.

JENNIFER 'JAY' HARTSHORN
TRACK AND FIELD COACH, BATES COLLEGE

“ I think it's important for us to be aware there are transgender student athletes who want to compete, and with a little preparation, including transgender athletes isn't a big deal. ”



Best Practices for Student Athletes

Best practices for student athletes who have transgender teammates focus on respectful behavior, safety, and valuing diversity.

1. Use respectful and preferred language and terminology when discussing transgender student athlete participation or interacting with a transgender student athlete.
2. Become familiar with departmental and school policy governing the participation of transgender student athletes in athletics.
3. Learn about school non-discrimination and harassment policies that include gender identity and expression.
4. Encourage other student athletes to use respectful language when discussing transgender issues in sports or interacting with a transgender student athlete.
5. Respect the right to privacy of all student athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression.
6. Ask your coach and athletic director for team and departmental educational training concerning transgender student athlete participation.
7. If taunting or harassment from spectators or opponents occurs during competition, take the approach that these actions are never acceptable for any reason including taunting or harassment based on gender identity or expression. Make your coaches aware of discriminatory or harassing behavior and ask them to arrange a meeting with the opposing school's athletic director to address this behavior.
8. Ask the student athlete advisory council at your school to plan an activity that focuses on the participation of transgender athletes in sports and frame the issue as one of equal opportunity in sports and fair treatment for all.

Best Practices for Parents of Student Athletes

Best practices for parents of student athletes highlight the importance of the role of parents in monitoring athletic department policy and practice to encourage adherence to core principles of fairness for all student athletes.

1. If you are the parent of a transgender student, ask school officials and athletic administrators for their policy on the participation of transgender students in athletic programs.
2. Encourage athletic administrators to educate coaches, other athletic staff, student athletes, and parents of student athletes about policies and preferred terminology relating to the participation of transgender student athletes on school teams.
3. Talk with your child about the importance of respecting the rights of transgender teammates and understanding transgender identity.

4. If your child is transgender, talk with them about actions to take if she or he is feeling unsafe or is treated disrespectfully.
5. Respect the right to privacy of all student athletes when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
6. If you become aware of discriminatory or harassing behavior by spectators or participants based on perceived or actual gender identity or expression during competitions, report this behavior to your school's athletic director.

PARENT OF HIGH SCHOOL ATHLETE

“ Like any parent, I want to make sure my daughter is treated fairly and with respect when playing sports. I spend a lot of time watching her sporting events. Any time I have seen her being discriminated against, harassed, or degraded, I set up meetings with her teachers or the principal so they could address the problem and figure out how to prevent future issues. In addition, I’ve talked to my daughter on ways she can respond if her team members treat her with disrespect, make fun of her, or shun her. I also kept on top of the law in this area, so that we know her rights as a student and athlete and can educate others on their responsibilities. ”

Best Practices for Athletic Staff Interacting With Media About Transgender Student Athlete Issues

Best practices for interacting with the media focus on the importance of understanding basic information about transgender identity, preferred terminology, and respecting confidentiality of student athletes.

1. The school or athletic department should provide training to all athletic staff who may interact with the media.
2. Respect the confidentiality of all student athletes when discussing transgender issues with the media and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
3. Use appropriate language in media interviews or presentations and insist that this terminology be used in media reports on transgender issues in athletics.
4. Focus on the importance of providing equal opportunities for all students to participate in athletics.
5. Describe how departmental policies provide equal opportunities for all students to participate in athletics.

PART FOUR:

ADDITIONAL RESOURCES ON TRANSGENDER ISSUES

PART FOUR: **ADDITIONAL RESOURCES ON TRANSGENDER ISSUES****Print Resources (Books, Articles, Reports)**

AthletesCAN, the Canadian Centre for Ethics in Sport, and the Canadian Association for the Advancement of Women and Sport and Physical Activity, *Promising Practices: Working With Transitioned/Transitioning Athletes in Sport* (2009).

Including Transitioning and Transitioned Athletes in Sport - Issues, Facts and Perspectives - SUMMARY. Brenda Wagman (February 12, 2009). Available online at [http://www.caaws.ca/e/resources/pdfs/Summary_Transition_Discussion_Paper_FINAL1%20\(2\).pdf](http://www.caaws.ca/e/resources/pdfs/Summary_Transition_Discussion_Paper_FINAL1%20(2).pdf).

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Do Transitioned Athletes Compete at an Advantage or Disadvantage - LITERATURE REVIEW. Michaela C. Devries (May 18, 2008). Available online at [http://http.caaws.ca/e/resources/pdfs/Devries_lit_review\(2\).pdf](http://http.caaws.ca/e/resources/pdfs/Devries_lit_review(2).pdf).

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Currah, Paisley, Richard M. Juang and Shannon Price Minter, *Transgender Rights* (Minneapolis, MN: University of Minnesota Press, 2006).

Gay Straight Alliance Network, the Transgender Law Center and the National Center for Lesbian Rights, *Beyond The Binary: A Tool Kit for Gender Activism in Schools* (2004). Available online at http://transgenderlawcenter.org/pdf/beyond_the_binary.pdf.

Goorin, Louis, and Mathijs Bunck, "Transsexuals and Competitive Sports," *European Journal of Endocrinology* 151 (2004): 425-429. Available online at <http://www.eje.org/cgi/reprint/151/4/425.pdf>.

Griffin, Pat, "Inclusion of Transgender Athletes on Sports Teams," Women's Sports Foundation (2007). Available online at <http://www.womenssportsfoundation.org/Content/Articles/Issues/Homophobia/I/Inclusion-of-Transgender-Athletes-on-Sports-Teams.aspx>.

Greytak, Emily A., Joseph G. Kosciw, and Elizabeth M. Diaz, Gay Lesbian Straight Education Network, *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools* (2009).

Lambda Legal, *Bending the Mold: An Action Kit for Transgender Students* (2009). Available online at <http://www.lambdalegal.org/publications/bending-the-mold/order-bending-the-mold.html>.

Movement Advancement Project, *Advancing Transgender Equality: A Guide for LGBT Organizations and Funders* (2009). Available online at <http://www.lgbtmap.org/advancing-transgender-equality.html>.

National Center for Transgender Equality, *Understanding Transgender: Frequently Asked Questions About Transgender People* (2009). Available online at http://transequality.org/Resources/NCTE_UnderstandingTrans.pdf.

Steinbach, Paul, "Change Candidates," *Athletic Business* (August 2008). Available online at <http://www.athleticbusiness.com/articles/article.aspx?articleid=1817&zoneid=3>.

Sykes, Heather, "Transsexual and Transgender Policies in Sport." *Women in Sport and Physical Activity Journal* 15:1 (2006): 3-13.

Transgender Law and Policy Institute, *Guidelines for Creating Policies for Transgender Children in Recreational Sports* (2009). Available online at http://www.transgenderlaw.org/resources/TLPI_GuidelinesforCreatingPoliciesforTransChildreninRecSports.pdf.

Washington Interscholastic Activities Association Gender Identity Policy
 Jim Meyerhoff, Assistant Executive Director
 435 Main Avenue South, Renton, WA 98057
 Office Phone: 425-282-5234
 Office E-mail: jmeyerho@wiaa.com

Women's Sports Foundation, *Participation of Transgender Athletes in Women's Sports: A Women's Sports Foundation Position Paper* (2008). Available online at <http://www.womenssportsfoundation.org/Content/Articles/Issues/Homophobia/T/Participation-of-Transgender-Athletes.aspx>.

ORGANIZATIONS/WEBSITES

American Bar Association (ABA)—The ABA opposes discrimination against those who are transgender or gender non-conforming. In 2006, the ABA House of Delegates adopted a recommendation that all federal, state, local and territorial governments enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations. For more information visit www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentytwob.doc.

Advocates for Informed Choice—legal advocacy organization dedicated to promoting the civil rights of children with intersex conditions or disorders of sex development. www.aiclegal.org

American Civil Liberties Union (ACLU)—The ACLU Lesbian, Gay, Bisexual, Transgender Project fights discrimination and moves public opinion through the courts, legislatures and public education across five issue areas: Relationships, Youth & Schools, Parenting, Gender Identity and Expression and Discrimination in Employment, Housing and other areas. www.aclu.org/lgbt-rights

American Medical Association (AMA)—The AMA is a medical professional association whose mission is to promote the art and science of medicine and the betterment of public health. The AMA has adopted a number of policies supporting the right of transgender and gender-non-conforming persons to be free from discrimination on the basis of their gender identity or expression. www.ama-assn.org

American Psychological Association (APA)—In 2008, the APA Council of Representatives adopted a policy statement supporting “the passage of laws and policies protecting the rights, legal benefits, and privileges of people of all gender identities and expressions,” and as well as supporting “efforts to provide safe and secure educational environments, at all levels of education.” www.apa.org/about/governance/council/policy/transgender.aspx

Gay and Lesbian Advocates and Defenders Transgender Rights Project—Through the Transgender Rights Project (TRP), Gay and Lesbian Advocates and Defenders puts litigation, legislative, and educational assets to work in a focused way to establish clear legal protections for the transgender community. www.glad.org

Gay, Lesbian and Straight Education Network—The Gay, Lesbian and Straight Education Network strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression. www.glsen.org

Gender Spectrum—Gender Spectrum provides education, training and support to help create a gender sensitive and inclusive environment for all children and teens. www.genderspectrum.org

It Takes A Team! Education Campaign for LGBT Issues in Sport—A Women’s Sports Foundation initiative, It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual, and Transgender Issues in Sport is an education project focused on eliminating homophobia as a barrier to all women and men participating in sport. www.ittakesateam.org

Lambda Legal—Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. www.lambdalegal.org

National Center for Lesbian Rights—NCLR is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. www.nclrights.org

National Center for Transgender Equality—The National Center for Transgender Equality is a social justice organization dedicated to advancing the equality of transgender people through advocacy, collaboration and empowerment. www.transequality.org

National Gay and Lesbian Task Force—The mission of the National Gay and Lesbian Task Force is to build the grassroots power of the LGBT community by training activists, equipping state and local organizations with the skills needed to organize broad-based campaigns to defeat anti-LGBT referenda and advance pro-LGBT legislation, and building the organizational capacity of the movement. www.thetaskforce.org

Parents and Friends of Lesbians and Gays-TNET—The purpose of this special affiliate of PFLAG is to promote the health and well-being of transgender persons, their families and friends through: support, to cope with an adverse society; education, to enlighten an ill-informed public; and advocacy, to end discrimination and to secure equal civil rights. PFLAG TNET focuses on support for transgender people and their parents, families, and friends; education on transgender facts and issues; and advocacy for equal rights for the transgender community at local and national levels. www.pflag.org/tnet

Transgender Law Center—Transgender Law Center (TLC) connects transgender people and their families to culturally competent legal services, increases acceptance and enforcement of laws and policies that support California’s transgender communities, and works to change laws and systems that fail to incorporate the needs and experiences of transgender people. www.transgenderlawcenter.org

Transgender Law and Policy Institute—Transgender Law and Policy Institute (TLPI) is a non-profit organization dedicated to engaging in effective advocacy for transgender people in our society. The TLPI brings experts and advocates together to work on law and policy initiatives designed to advance transgender equality. www.transgenderlaw.org

World Professional Association for Transgender Health (WPATH)—WPATH is an international, interdisciplinary organization of professionals from fields of psychiatry, endocrinology, surgery, law, psychology, sociology, and counseling. WPATH publishes the internationally recognized Standards of Care for Gender Identity Disorders, an evolving consensus on best practice in the provision of medical treatments for individuals with Gender Identity Disorder. www.wpath.org

VIDEOS

Straightlaced: How Gender’s Got Us All Tied Up

Straightlaced: How Gender’s Got Us All Tied Up takes a powerful and intimate look at how popular pressures around gender and sexuality are shaping the lives of American teens. The film proudly showcases the diverse and unscripted voices of more than 50 high school students from a variety of different communities, all of whom speak with breathtaking honesty, insight, and humor about gender roles and their struggles to be who they really are. More information on the film is available at www.groundspark.org/our-films-and-campaigns/straightlaced

PART FIVE:

APPENDICES

PART FIVE: **APPENDIX A****Definitions and Terminology: A Word About Words²¹**

Language has immense power to shape our perceptions of other people. Using accurate language can help to overcome many of the misperceptions associated with gender and transgender people. Although the vocabulary related to transgender people continues to evolve, here are some working definitions and examples of frequently used (and misused) terms.

Biological/Anatomical Sex—The physical characteristics typically used to assign a person's gender at birth, such as chromosomes, hormones, internal and external genitalia and reproductive organs. Given the potential variation in all of these, biological sex must be seen as a spectrum or range of possibilities rather than a binary set of two options.

Gender Identity—One's inner concept of self as male or female or both or neither. One's gender identity can be the same or different than the gender assigned at birth. Most people become conscious of their gender identity between the ages 18 months and 3 years. Most people have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. Some of these individuals choose to live socially as the other gender and may also hormonally and/or surgically change their bodies to more fully express their gender identity. All people have gender identity, not just transgender people.

Gender Expression—Refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice, and other forms of presentation. Gender expression also works the other way as people assign gender to others based on their appearance, mannerisms, and other gendered characteristics. Many transgender people seek to make their external appearance—their gender expression—congruent with their internal gender identity through clothing, pronouns, names, and, in some cases, hormones and surgical procedures. All people have gender expression, not just transgender people.

Transgender—Sometimes used as an 'umbrella term' to describe anyone whose identity or behavior falls outside of stereotypical gender norms. More narrowly defined, it refers to an individual whose gender identity does not match their assigned birth gender. Being transgender does not imply any specific sexual orientation (attraction to people of a specific gender.) Therefore, transgender people may additionally identify as straight, gay, lesbian, or bisexual.

Sexual Orientation—Term that refers to being romantically or sexually attracted to people of a specific gender. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

²¹ These terms and definitions were adapted from Gender Spectrum's "A Word About Words." Available online at http://www.genderspectrum.org/images/stories/Resources/Family/A_Word_About_Words.pdf.

Genderqueer—This term represents a blurring of the lines around gender identity and sexual orientation. Genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and sexual orientation. This term is typically assigned an adult identifier and not used in reference to preadolescent children.

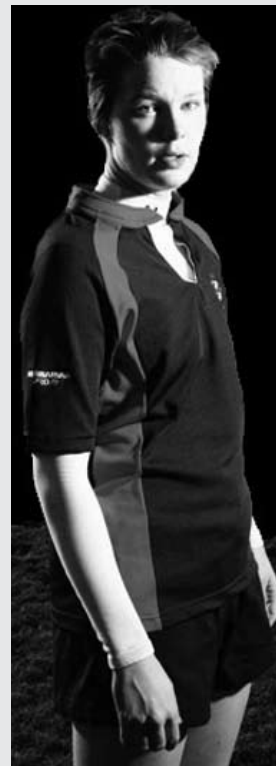
Gender Nonconforming/Gender Variant—Refers to individuals whose behaviors and/or interests fall outside what is considered typical for their assigned gender at birth. Someone who identifies as “gender nonconforming” is not necessarily transgender. To the contrary, many people who are not transgender do not conform to gender stereotypes in their appearance, clothing, physical characteristics, interests, or activities. No one should be treated differently or made to feel uncomfortable or unaccepted because they are gender non-conforming.

Gender Fluidity—Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may even change from day to day. Gender fluid individuals do not feel confined by restrictive boundaries of stereotypical expectations of girls or boys.

MORGAN DICKENS

FORMER BASKETBALL, RUGBY STUDENT ATHLETE,
CORNELL UNIVERSITY 2008, ITHACA COLLEGE, 2009

“ There are differences between being male and female, but being gender fluid doesn’t mean I reject these differences, it just means I’m rejecting the idea that I have to be defined one way or another. The clear delineation between male and female in the sporting world doesn’t leave room for someone like me. When I started presenting in a more masculine way, I was ostracized in girls’ locker rooms, told I was in the wrong bathroom, and even once had my gender questioned during a co-ed intramural football game. Because athletics are such an important part of my life, I deal with these and other inequalities and misunderstandings. While I’m prepared to handle it, my concern is there aren’t many other people out there who are prepared and willing to engage in a dialogue about the presence of gender fluid athletes in sport. ”



Intersex—An estimated one in 2,000 babies is born with an “intersex” condition or Difference of Sex Development (DSD), that is, a reproductive or sexual anatomy and/or chromosome pattern that doesn’t seem to fit typical definitions of male or female. These conditions include androgen insensitivity syndrome, some forms of congenital adrenal hyperplasia, Klinefelter’s syndrome, Turner’s syndrome, hypospadias, and many others. People with intersex conditions generally identify as men or women, just as people without intersex conditions do. Having an intersex condition does not necessarily affect a person’s gender identity.

FTM (Female-to-Male)/Affirmed male/transboy—A child or adult who was assigned to the female gender at birth but has a male gender identity.

MTF (Male-to-Female)/Affirmed female/transgirl—A child or adult who was assigned to the male gender at birth but has a female gender identity.

Transition—The process by which a transgender individual lives consistently with his or her gender identity, and which may (but does not necessarily) include changing the person’s body through hormones and/or surgical procedures. Transition can occur in three ways: social transition through changes in clothing, hairstyle, name and/or pronouns; hormonal transition through the use of medicines such as hormone “blockers” or cross hormones to promote gender-based body changes; and/or surgical transition in which an individual’s body is modified through the addition or removal of gender-related physical traits. Based on current medical knowledge and practice, genital reconstructive surgery is not required in order to transition. Most transgender people in the United States do not have genital reconstructive surgery.

Transsexual—A person whose gender identity differs from the person’s assigned gender at birth. Transsexual people do not identify with their birth-assigned genders and desire to live and be treated by others consistently with their gender identity. In addition to transitioning socially, transsexual people may also physically alter their bodies surgically and/or hormonally. This physical transition is a complicated, multi-step process that may take years and may include, but is not limited to, cross-gender hormone therapy and a variety of surgical procedures. There is no cookie cutter approach. The precise treatments required vary from person to person.

Transphobia—Fear or hatred of transgender people. Transphobia is manifested in a number of ways, including violence, harassment, and discrimination.

PART FIVE: **APPENDIX B: LEGAL STATUS OF TRANSGENDER PEOPLE**

Federal, state, and local laws prohibit discrimination on the basis of gender identity/expression. In addition, many K-12 and collegiate educational institutions have adopted non-discrimination policies that include gender identity/expression. Each school or school district should be knowledgeable about specific legal requirements that apply and make sure that all school athletic staff understand their responsibilities to abide by and enforce these laws.

Federal Protections

The Employment Non-Discrimination Act (ENDA)—ENDA is a bill that was introduced in the 111th U.S. Congress in 2009.²² If passed into law, ENDA would provide basic protections against workplace discrimination on the basis of sexual orientation or gender identity. The bill is closely modeled on existing civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act. ENDA prohibits public and private employers from using an individual's sexual orientation or gender identity as the basis for employment decisions, such as hiring, firing, promotion or compensation. ENDA also applies to federal, state, and local government employees.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA)—The HCPA gives the Department of Justice (DOJ) the power to investigate and prosecute bias-motivated violence by providing the DOJ with jurisdiction over crimes of violence where a perpetrator has selected a victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.²³ Furthermore, the HCPA requires the Federal Bureau of Investigation to track statistics on hate crimes.²⁴

Title IX of the Education Amendments of 1972—The purpose of Title IX is to address sex discrimination in schools. However, this federal law has also been successfully used to address discrimination or harassment in schools based on gender stereotypes.²⁵ When gender non-conforming or transgender students are targeted on the basis of their gender expression, Title IX may provide the basis for legal recourse.²⁶

²² H.R. 3017, 110th Cong. (2010).

²³ 18 U.S.C.A. § 249.

²⁴ 28 U.S.C.A. § 534.

²⁵ See *Snelling v. Fall Mt. Regional Sch. Dist.*, 2001 D.N.H. 057, 2001 WL 276975 (D.N.H. 2001); *Ricco v. New Haven Bd. of Educ.*, 467 F.Supp.2d 219 (D. Conn. 2006); *Doe v. Southeastern Greene Sch. Dist.*, 2006 U.S. Dist LEXIS 12790 (W.D. Pa. 2006).

²⁶ See 20 U.S.C.A. § 1681 *et seq.*; Office of Civil Rights, Revised Sexual Harassment Guidance, § III (Jan. 2001) (“Though beyond the scope of this guidance, gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond[.]”).

Equal Protection Clause of the Fourteenth Amendment of the United States Constitution—The Equal Protection clause states that “no state shall ... deny to any person within its jurisdiction the equal protection of the laws.”²⁷ Several successful cases involving allegations of harassment and discrimination against lesbian, gay, bisexual, and transgender students and staff in public schools have been based on the Equal Protection clause.²⁸

State Non-Discrimination Laws

As of July 2010, 13 states and the District of Columbia²⁹ have enacted non-discrimination laws prohibiting discrimination on the basis of sexual orientation and gender identity or expression: California,³⁰ Colorado,³¹ Hawaii,³² Illinois,³³ Iowa,³⁴ Maine³⁵, Minnesota,³⁶ New Jersey,³⁷ New Mexico,³⁸

²⁷ U.S. Const. amend. XIV, § 1.

²⁸ See, e.g., *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130 (9th Dist. 2003) (equal protection required school district to enforce policies “in cases of peer harassment of homosexual and bisexual students in the same way that they enforce those policies in cases of peer harassment of heterosexual students”).

²⁹ D.C. Code §§ 2-1401.01 et seq. (employment, housing, public accommodation, education, motor vehicle insurance, access to government facilities and programs), 4-754.21(10) (access to services for homeless persons), 16-914 (custody proceedings), 31-2231-11(c) & 31-2231.13(d) (insurance), 31-1603 (determination by insurance companies of likelihood of developing AIDS), 43-1507 (companies providing electricity).

³⁰ Cal. Penal Code § 422.56, Cal. Gov’t Code § 12926 et seq. (non-discrimination in employment and housing), Cal. Civ. Code § 51 (public accommodations).

³¹ Colo. Rev. Stat. Ann. §§ 24-34-401 et seq. (non-discrimination in public accommodation, housing and employment), 22-32-109 (non-discrimination in education).

³² Haw. Rev. Stat. §§ 489-2 (non-discrimination in public accommodations), 515-3 (real property transactions).

³³ 775 Ill. Comp. Stat. 5/2-102 (non-discrimination in employment, public accommodations, real estate transactions, and access to financial credit).

³⁴ Iowa Code Ann. § 216.1 et seq. (non-discrimination in public accommodation, employment, housing, credit, and education).

³⁵ Me. Rev. Stat. Ann. tit. 5, § 4552 et seq. (non-discrimination in employment, housing, public accommodation, credit and education).

³⁶ Minn. Stat. Ann. § 363A.03 et seq. (non-discrimination in public accommodation, housing, employment, credit, and education).

³⁷ N.J. Stat. Ann. §§ 10:5-4 (non-discrimination in employment, housing, and public accommodation), 18A:37-14 (education).

³⁸ N.M. Stat. Ann. § 28-1-2 et seq., (non-discrimination in public accommodation, employment, housing and credit).

Oregon,³⁹ Rhode Island,⁴⁰ Vermont,⁴¹ and Washington.⁴²

Eight additional states have enacted laws prohibiting discrimination based on sexual orientation only: Connecticut, Delaware, Maryland, Massachusetts, Nevada, New Hampshire, New York, and Wisconsin.⁴³

Additionally, courts and administrative bodies in seven states have interpreted state laws against sex discrimination to prohibit discrimination against transgender and gender nonconforming people: California, Connecticut, Florida, Massachusetts, New Jersey, New York, and Pennsylvania. Courts and administrative bodies in seven states have also held that transgender people are protected by state laws prohibiting discrimination based on disability or medical condition: Florida, Illinois, Massachusetts, New Hampshire, New Jersey, New York, and Washington.⁴⁴

State Student Rights Laws

In addition to these federal protections, as of July 2010, twelve states and the District of Columbia⁴⁵ have enacted laws protecting students in schools from discrimination or harassment on the basis of sexual orientation or gender identity: California, Colorado, Illinois, Iowa, Maine, Maryland,

³⁹ Or. Rev. Stat. § 174.100(6), Or. Rev. Stat. §§ 659A.003 et seq. (non-discrimination in public accommodation, employment, and housing), 101.115(3) (non-discrimination in retirement communities), 179.750(2) (state institutions), 240.306(1) (state employees), 418.648(10) (selection of foster parents), , 430.550 (drug abuse diversion programs), 443.739(19) (adult foster care), 458.505(4)(h) (community service programs hosted by a community action agency), 659.850(2) (education), 744.382(4) (making life settlement contracts), 10.030(1) (jury service).

⁴⁰ R.I. Gen. Laws § 11-24-2 (public accommodation), R.I. Gen. Laws 1956 §§ 28-5-7 (employment), 28-5.1-4(a) (state employees), 34-37-4 (housing), 34-37-5.4 (residential real estate transactions).

⁴¹ Vt. Stat. Ann. tit. 3, §§ 961(6) (state employees), 963 (state employee organizations), 1026(6) (judiciary employees), 1028 (judiciary employee organizations), 1621 (union membership); Vt. Stat. Ann. tit. 8, §§ 4724(7) (B) & (C) (insurance), 10403 (credit cards, loans, mortgages, and commercial loans); Vt. Stat. Ann. tit. 9, §§ 2362 (motor vehicle retail installment contracts), 2410 (retail installment contracts), 2488 (agricultural finance leases), 4502 (public accommodations), 4503 (housing); Vt. Stat. Ann. tit. 16, §§ 11, 565 (education); Vt. Stat. Ann. tit. 21, §§ 495(a) (employment), 1726 (municipal employees).

⁴² Wash. Rev. Code §§ 48.30-300 (insurance), 49.60.175 (credit), 49.60.180 (employment), 49.60.190 (labor unions), 49.60.215 (public accommodation), 49.60.222 (housing).

⁴³ See Conn. Gen. Stat. § 46a-81a et seq. (employment, public accommodations, housing, credit); Del. Code Ann. tit. 6, §§ 4500 et seq. (public accommodation), 4601 et seq. (housing), Del. Code Ann. tit. 19, § 710 (employment); Md. Code Ann., State Gov't §§ 20-304 (public accommodation), 20-705 (housing), 20-606 (employment); Mass. Gen. Laws Ch. 151B §1 et seq. (generally), Mass. Gen. Laws Ch. 272 §§92A, 98 (public accommodation); Nev. Rev. Stat. §§ 613.330 (employment), 651.070 (public accommodation); N.H. Rev. Stat. Ann. §§ 354-A:7 (employment), 354-A:10 (housing), 354-A:17 (public accommodations); N.Y. Exec. Law § 296 (employment, public accommodations, housing, credit), N.Y. Civ. Rights § 40-c (public accommodations); Wis. Stat. §§ 106.50 (housing), 106.52 (public accommodation).

⁴⁴ For a comprehensive discussion of state court and administrative decisions applying sex and disability discrimination to transgender plaintiffs, see www.nclrights.org/site/DocServer/state_cases091004.pdf?docID=1203.

⁴⁵ D.C. Code 1981 §§ 2-1401.02 & 2-1402.41.

Minnesota, New Jersey, North Carolina, Oregon, Vermont, and Washington.⁴⁶ Four additional states offer protections on the basis of sexual orientation only: Connecticut, Massachusetts, New York, and Wisconsin.⁴⁷

Individual School or School District Non-Discrimination Policies

For a list of colleges and universities that have enacted non-discrimination policies that include gender identity/expression, refer to the following list created by the Transgender Law and Policy Institute: www.transgenderlaw.org/college/index.htm#policies

For a list of K-12 school districts that have enacted non-discrimination policies that include gender identity/expression, refer to the following list created by the Transgender Law and Policy Institute: www.transgenderlaw.org/college/index.htm#schools

American Bar Association

The American Bar Association (ABA) opposes discrimination against those who are transgender or gender non-conforming. The ABA is a national organization of lawyers, law students and judges, and is the largest voluntary professional association in the world, with more than 400,000 members. The control and administration of the ABA is vested in the House of Delegates, which is the policy-making body of the Association. In 2006, the ABA House of Delegates adopted a recommendation that all federal, state, local, and territorial governments enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing, and public accommodations.⁴⁸

⁴⁶ See Cal. Educ. Code §§ 220, 210.7, 212.6, & 51500; Colo. Rev. Stat. §§ 2-4-401(13.5), 22-32-109(II)(I), 12-59-106(1)(s), 22-30.5-104(3), 22-30.5-507(3), & 22-38-104(1)(d); 775 Ill. Comp. Stat. Ann. 5/1-102(A), 775 Ill. Comp. Stat. Ann. 5/1-103(O-1), (Q), & 775 Ill. Comp. Stat. Ann. 5/5-101(A)(11); Iowa Code §§ 216.9, 280.28; Me. Rev. Stat. Ann. tit. 5, §§ 4552, 4553(9-C), 4601, & 4602(4); Md. Code Ann. Educ. §§ 7-424; Minn. Stat. §§ 363A.03 subd. 44, 363A.13; N.J. Stat. Ann. §§ 10:5-5, 10:5-12(f)(1), & 18A:37-14; N.C. Gen. Stat. §§ 115C-407.15, 115C-407.16; Or. Rev. Stat. §§ 659.850, 174.100, 339.351(d)(3), & 338.125; Vt. Stat. Ann. tit. 16, §§ 1, 11 & 565; Wash. Rev. Code §§ 49.60.030 & 49.60.040(2), (26).

⁴⁷ Conn. Gen. Stat. § 10-15c; Mass. Gen. Laws. Ch. 76, § 5; N.Y. Exec. Law §§ 291(2), 292(9) & (27) & 296(2); Wis. Stat. § 118.13.

⁴⁸ See A.B.A. Recommendation 122B (adopted August 7-8, 2006) available online at <http://www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentytwob.doc> (recognizing that “[t]ransgender people are disproportionately likely to face discrimination” and that “many individuals who are not transgender continue to suffer discrimination . . . because they do not comply with gendered stereotypes.”).

PART FIVE: APPENDIX C

EQUAL OPPORTUNITY FOR TRANSGENDER STUDENT ATHLETES
A NATIONAL THINK TANK, OCTOBER 25-26, 2009: PARTICIPANTS**Stephanie Brill**

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Mike Colbrese

Executive Director
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NATIONAL CENTER FOR LESBIAN RIGHTS

NATIONAL CENTER FOR LESBIAN RIGHTS

SPORTSPROJECT

www.nclrights.org

The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education.

**WOMEN'S
SPORTS
FOUNDATION**

www.womenssportsfoundation.org

Founded in 1974 by Billie Jean King, the Women's Sports Foundation is a national charitable educational organization dedicated to advancing the lives of girls and women through physical activity. The Women's Sports Foundation is the only national organization promoting all sports and physical activities for women of all ages and skill levels. The Foundation's goal is to create a society in which girls and women of all ages fully experience and enjoy sports and physical activity with no barriers to their participation.

It Takes A Team!

www.ittakesateam.org

It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual and Transgender Issues in Sport is an education and advocacy initiative of the Women's Sports Foundation. Our goal is to eliminate barriers to safe and respectful sports participation for all people regardless of their sexual orientation or gender identity. It Takes A Team works toward this goal through the development and dissemination of practical educational information and resources to athletic administrators, coaches, parents and student athletes at the high school and college levels.

September 20, 2022

NCAA Transgender Student-Athlete Participation Policy: Clarifying Application and Next Steps

Dr. Jean Merrill, Director, Office of Inclusion

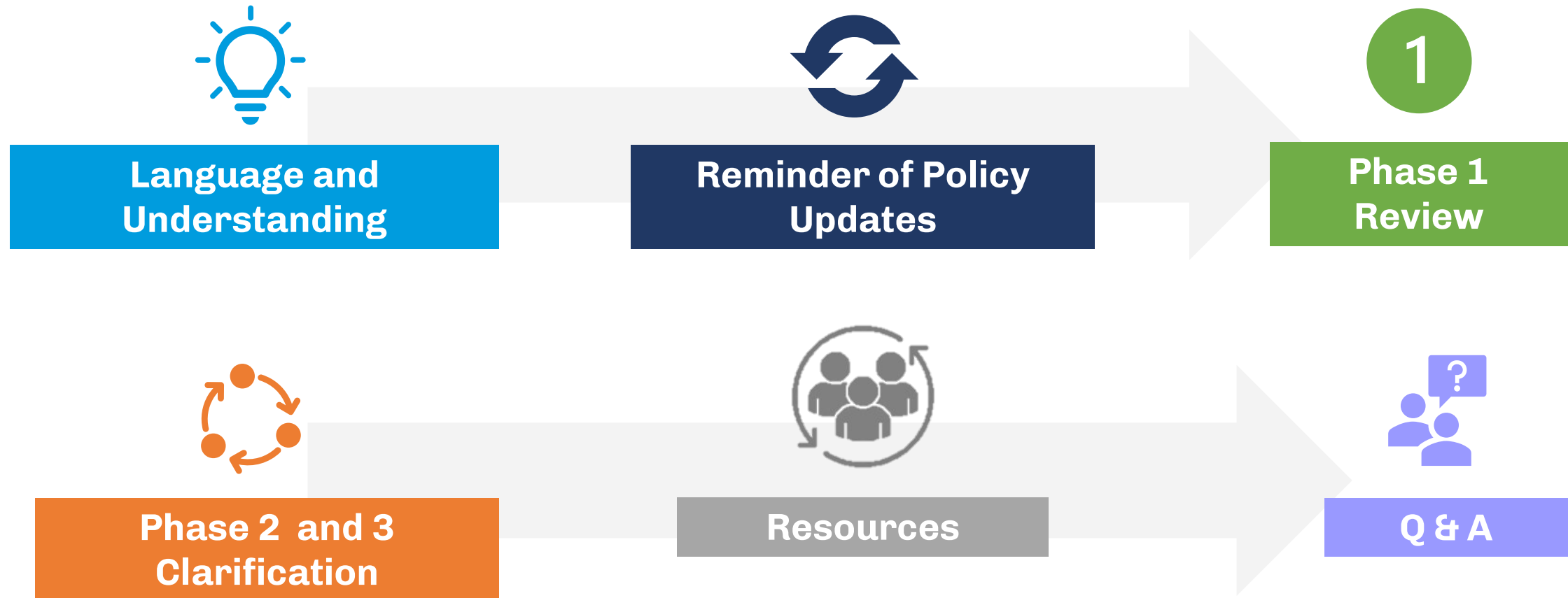
Mallory Mickus, Associate Director, SSI

Anne Rohlman, Director, SSI

Scope of Presentation and Legal Disclaimer

- Presentation is designed and intended for use by the NCAA membership.
- Scope is limited to key components of the published policy, related procedural guidance and supporting educational materials.
- Staff may not share information about the discussions/deliberations of the NCAA Board of Governors or other governance committees involved in policy decision-making or any other non-public, confidential information.
- It is intended as a resource and not a substitute for legal or other professional advice.

Webinar Overview



Language and Understanding

- **Gender identity:** one's internal sense of their own gender. This does not have to match one's sex or gender assigned at birth. Though it often does as most people are not transgender.
- **Sex/Gender assigned at birth:** the designation of a newborn child's sex or gender based on inspection of their external genitalia.
 - *Note: "sex/gender assigned at birth" is a more inclusive phrase than "biological male" or "born male"; or "biological female" or "born female."*
- **Gender expression:** ways in which a person communicates their gender identity to others through behavior, clothing, haircut, voice, name, pronouns, and other forms of self-presentation.

- **Transgender/Trans**: an adjective used to describe a person who does not identify as the gender they were assigned at birth.
 - **Trans man/male**: a man assigned female at birth.
 - **Trans woman/female**: a woman assigned male at birth.
 - *Note: References to "FTM" or "MTF" may be problematic for some trans persons.*
- **Cisgender/Cis**: an adjective used to describe a person who identifies as the gender they were assigned at birth.
 - **Cis man/male**: a man assigned male at birth.
 - **Cis woman/female**: a woman assigned female at birth.

- **Non-Binary:** Term used to describe a person who does not identify with the male/female gender binary. For some, this means identifying somewhere between male and female; for others, it means identifying as a combination of genders; for others, it means not having a gender identity.
 - **Genderqueer, gender expansive, gender non-conforming:** terms similar to non-binary that a person may choose to use when their gender identity is neither male nor female.
- **Transition:** any step(s) a person takes to affirm their gender identity; this may or may not include changes in one's name, pronouns, physical appearance, taking hormones, undergoing surgery, among many others. There are various ways through which an individual can choose to transition.
- **Misgender:** the act of referring to someone in a way that does not reflect that person's gender identity (e.g., using deadnames or incorrect pronouns or prefixes).
- **Deadname:** the name someone was given or used before they transitioned and/or discovered their true gender identity.

Language and Application to NCAA Policy

- NCAA sports historically have been categorized according to the participant's sex assigned at birth (male and female sports).
- Transgender Student-Athlete Participation Policy (TSAP) applies to any SA who plans to compete in an NCAA sport that does match the SA's sex assigned at birth.
 - Applies to a multitude of identities (e.g., transgender, nonbinary, genderqueer).
- TSAP does not apply to intersex SAs, whose reproductive anatomies do not fit traditional definitions of male or female.
- TSAP does not factor a SA's sexual orientation.

Transgender Student-Athlete Participation Policy

ncaa.org/transgender

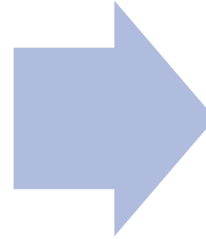
2022 Policy Updates



2022 Update to NCAA Policy

Competitive Safeguards and Medical Aspects of Sports

Association-wide
23 members
Medical personnel and athletics administrators



Board of Governors

Highest governing body
25 members
Presidents/chancellors & 5 independent members

Consensus:

1. Testosterone thresholds can facilitate and support fair competition while providing participation opportunities for trans athletes.
2. Consistency with Olympic model intended to provide continuity for student-athletes. Deference to sport-specific rules intended to rely on those who have studied and manage potential impact in the sport.
3. Flexibility should be considered for SAs who lose eligibility, but are able to meet requirements in the future.

2022 Update to NCAA Policy

Alignment with Olympic Movement to balance fairness, inclusion and well-being.

January 2022: BOG adopts policy as recommended by CSMAS:

1. Trans student-athletes must continue to meet 2010 policy; and
2. Meet sport-specific eligibility requirements reviewed and approved by CSMAS, in each case to be informed by national governing body policy (or international federation policy or 2015 IOC policy).
3. Implemented over three phases:
 - a. Phase One: 2022 Winter/Spring - Championship competition, testosterone thresholds apply.
 - b. Phase Two: 2022-23 academic year - **All competition**, testosterone thresholds apply.
 - c. Phase Three: 2023-24 academic year and beyond - All competition, all sport-governing policy components considered.

1. Meet 2010 Transgender SA Participation Policy.

Trans Men

- A trans man with a medical exception for testosterone may compete on a men's team but not on a women's team.
- A trans man who is not taking hormone treatment may compete on a men's or women's team.

Trans Women

- A trans woman may not compete on a women's team until completing one calendar year of testosterone suppression treatment.
- Managed by student-athlete's institution, unless medical exception is needed.

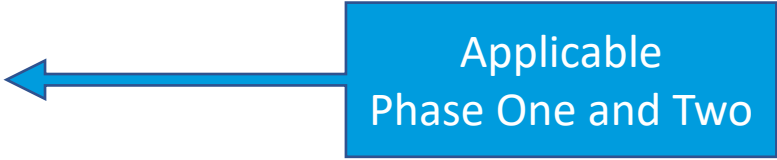
2. Meet Sport-Specific Eligibility Requirements.

Examples of Trans Athlete Policy Components

1. Testosterone Threshold.

- E.g., 5 nmol/L.

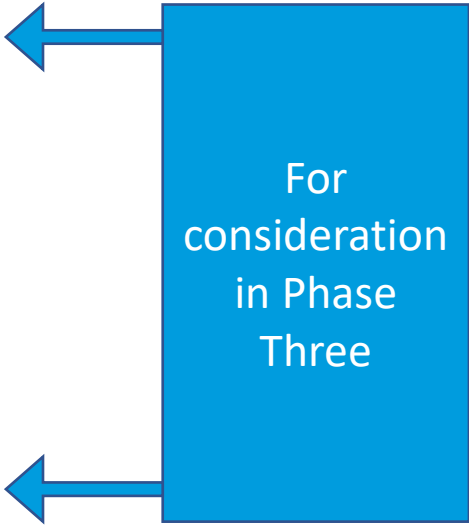
Applicable
Phase One and Two



2. Length of Testosterone Mitigation and Maintenance.

- Requirement that testosterone threshold be continuously met for specific number of months (e.g., 12 months).
- Requirement to maintain testosterone threshold level throughout period of participation.

For
consideration
in Phase
Three



3. Additional policy considerations.

- E.g., gender declaration, case-by-case review, gender-affirming surgery, birth certificate aligns with gender identity, proof of mitigated advantage.

3. Implemented Over Three Phases.

Phase One 2022 Winter/Spring

- Only impacted trans women.
- Only impacted championship competition.
- 2010 NCAA policy; and
- One-time sport-specific testosterone threshold.

Phase Two 2022-23 Academic Year

- Impacts all competition.
- Additional eligibility documentation submission requirements.
- Only testosterone threshold component of sport-specific policy apply.
- Only impacts trans women.

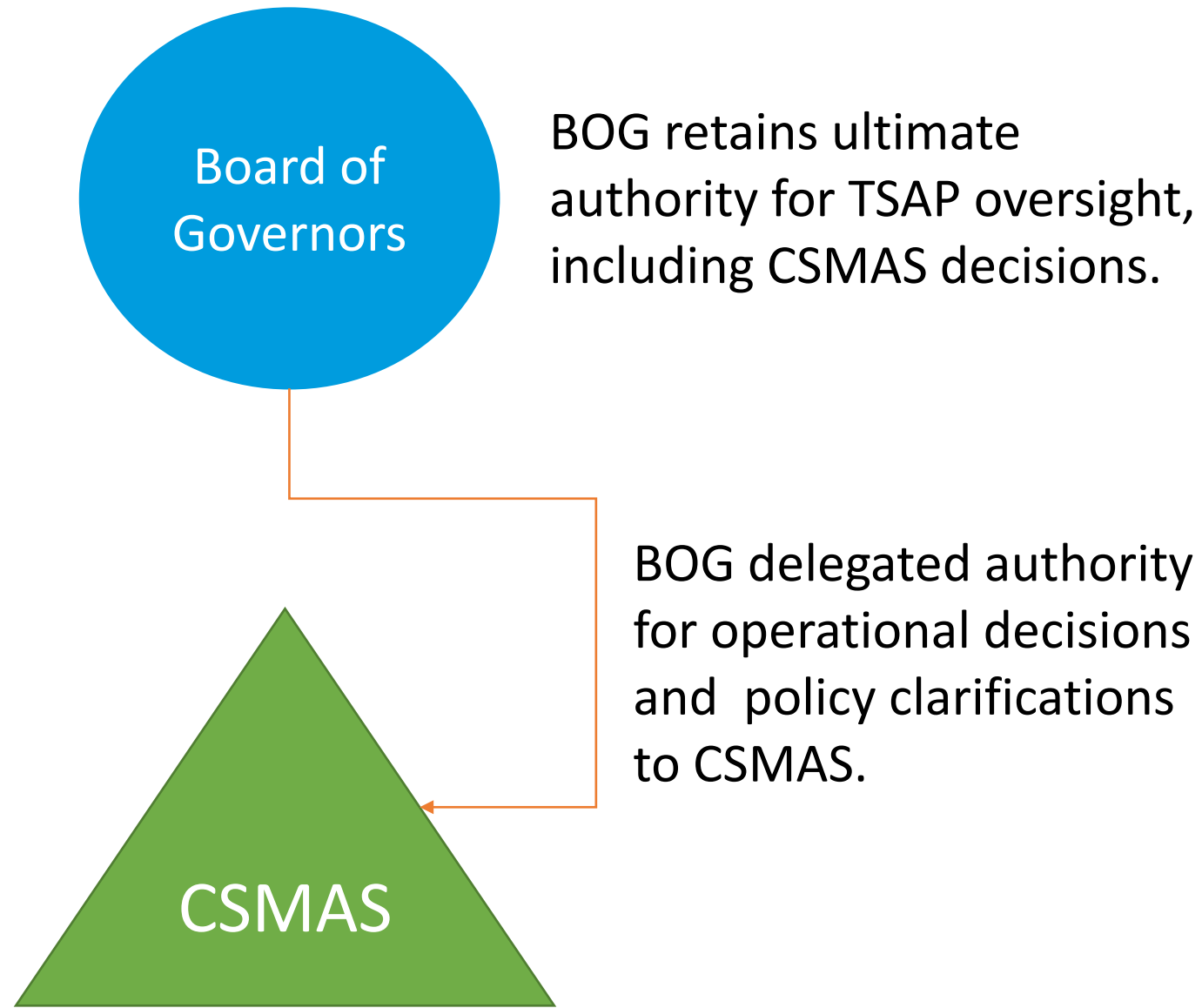
Phase Three 2023-24 Academic Year

- All parts of applicable sport-governing policy to be considered by CSMAS, including:
 - Length of testosterone mitigation; and
 - Other requirements.
- May impact trans men.

Phase Two



Policy Authority



Phase 2 Policy Clarifications (2022-23 Academic Year)

Testosterone Thresholds

- Set Phase 2 thresholds for 2022-23 academic year (including emerging sports).
- All thresholds align with relevant sport-governing policies.

Mid-Cycle Policy Changes

- Clarified that should a sport governing body change its policy after the NCAA releases its eligibility requirements for an academic year, the published requirements will not be reconsidered for that academic year.

Eligibility Documentation Submission

- Clarified submissions must occur:
 - Annually (prior to initial traditional and nontraditional competition); and
 - Prior to NCAA championship competition.

Submission Requirements



Annual Submission Requirements

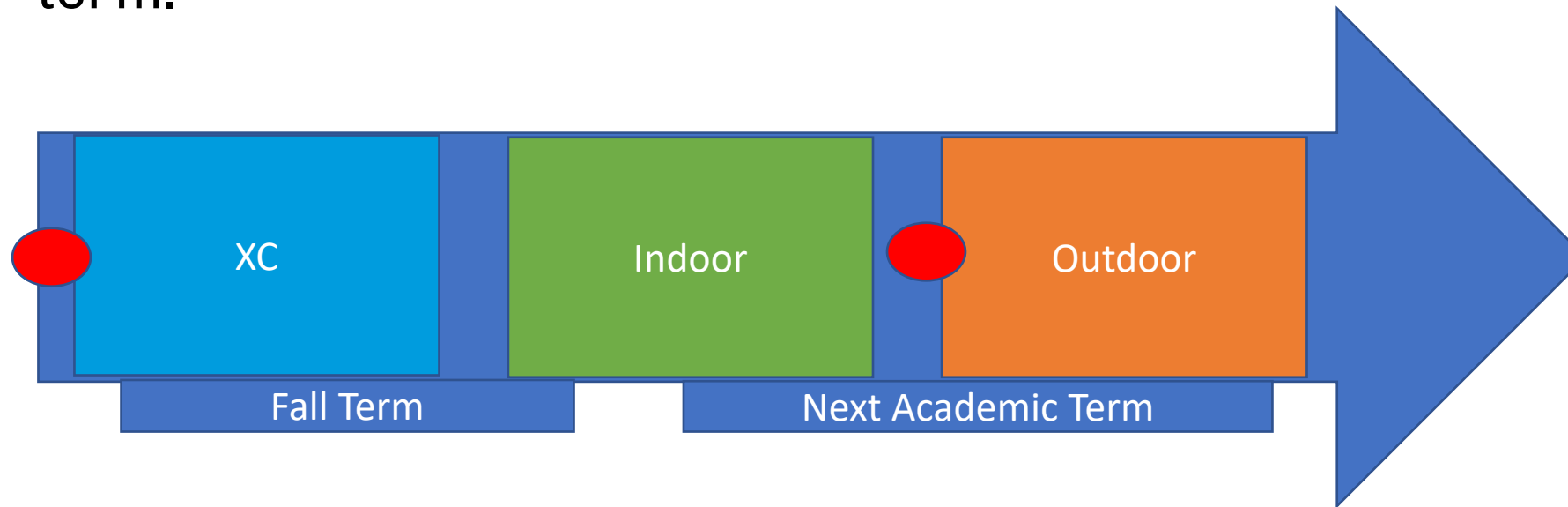
Softball
Submit before
nontraditional
competition in fall

Softball
Submit again before
traditional competition
in spring

- Competition season refers to both traditional and non-traditional segments; and
- Eligibility must be reviewed by Medical Review Panel before the SA competes in each segment.

Annual Submission - Multi-Sport Student-Athletes

- At least twice per academic year:
 1. Before initial contest in fall term; and
 2. Before initial contest of an additional sport in the following academic term.



Championship Submission

- Same as Phase 1.
- Submit if possibility SA will qualify for championship.

4

Lab results
within four
weeks of the
championships

1

Submit \geq one week
before championship
selections.

Medical Review Process

Who

- CSMAS Medical Review Panel.
 - Anonymous review.
 - Communication with school-identified contact only.

What

- **Eligibility Review Form**, including medical professional attestation.
- **Evidence of Serum Testosterone Level.**
 - Lab must be within four weeks of competition.

When

- Submitted at least one week prior to initial competition of relevant season or championship.

Phase Three/Simplification

Consideration of all components of sport-governing policies.

Phase 3: Seeking Consolidation and Simplification

- Acknowledgement that trans athlete policies should be regularly reviewed and updated based on quickly-evolving landscape.
- CSMAS, in collaboration with relevant experts, will:
 - Continue to evaluate policy and related eligibility requirements.
 - Consider emerging medical and scientific information, trends in policy landscape and possible sport “classification” (e.g., contact, endurance, power and skill sports).
 - Aim to pro-actively prioritize simplification while balancing objectives of inclusion, fairness and well-being.
 - Develop consensus-driven foundational principles that will drive possible new policy.

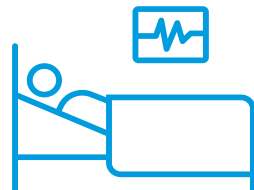
Membership Guidance – Phase Three

CSMAS will not recommend the Board of Governors include eligibility criteria from sport-governing policies that are determined to be fundamentally inconsistent with NCAA's values of fairness, inclusion and student-athlete well-being. For example:

Complete
Prohibition



Surgery

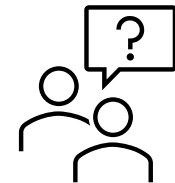


Gender
Determinations



(e.g., review panel, align
with ID docs, physical
evaluation)

Gender
Challenges



(e.g., won't use Drug-
Testing Program to
respond to challenge)

Resources and Support

Gender Identity Summit

- Commissioned in October 2020 with over 60 participants.
- Brought together experts in inclusion, endocrinology, athletics administrators, cisgender student-athletes, transgender and nonbinary (TGNB) student-athletes, and other external stakeholders.
 - Included representatives from the Committee to Promote Cultural Diversity and Equity (CPCDE) and Committee on Competitive Safeguards and Medical Aspects in Sports (CSMAS).
- Consensus statements were developed for consideration by governance groups, not membership requirements.

Additional Resources

- Inclusion page on [ncaa.org](https://www.ncaa.org) (core area: LGBTQ).
- Sport Science Institute page on [ncaa.org](https://www.ncaa.org).
- Gender Identity and Student-Athlete Participation Summit Outcomes ([Final Report](#)).
- [Champions of Respect](#).
- [Five ways](#) to have an LGBTQ-inclusive athletics department.
- Inclusion of Transgender Student-Athletes Best Practices [Handbook](#).
- NCAA Inclusion Forum.



ssi@ncaa.org

Contact Sport Science Institute
for questions on policy
application or document
submission.



SPORT SCIENCE
INSTITUTE™



inclusion@ncaa.org

Contact office of inclusion for
questions on creating inclusive
environments or related
resources.



INCLUSION



NCAA.org

Five ways to have an LGBTQ-inclusive athletics department

Five ways to have an LGBTQ-inclusive athletics department

This resource serves as a guide to ensure athletics departments are providing an environment that is inclusive of all student-athletes, especially those who identify as lesbian, gay, bisexual, transgender and/or questioning. Included in this resource are samples of policies and codes of conduct; additional resources for coaches, players and staff; and LGBTQ inclusion training best practices. [Click here for the PDF](#)

1. LGBTQ-Inclusive Nondiscrimination Policies

Athletics departments should have a written nondiscrimination policy that explicitly covers “sexual orientation,” “gender identity” and “gender expression” to protect lesbian, gay, bisexual, transgender and questioning people.

- [Click here](#) for sample language to be used in athletics department handbooks.
- [Click here](#) for the NCAA Inclusion of Transgender Student-Athletes guide, which includes gender identity and gender nonconforming policies.

2. LGBTQ-Inclusive Codes of Conduct

Athletics departments should ban anti-LGBTQ conduct by players, coaches, athletics administrators and fans.

Team Code of Conduct: Teams should be encouraged to create codes of conduct outlining consequences for engaging in homophobic and transphobic behaviors.

- [Click here](#) for a sample team code of conduct

Fan Code of Conduct: Fans should not be subjected to discriminatory language and behavior by those on the field or in the stands. Values and expectations should be communicated to fans via the school's official fan code of conduct.

- [Click here](#) for a sample fan code of conduct

3. Communications

Athletics departments should ensure all media communications and recruiting materials (media guides, community outreach, team camp brochures, etc.) include a nondiscrimination clause and use LGBTQ-inclusive language.

4. Accessible Resources

Athletics departments should maintain up-to-date LGBTQ inclusion resources that are readily available to coaches, players and staff throughout the year.

- [Click here](#) for a list of resources

5. Annual LGBTQ Inclusion Trainings for Staff and Students

Athletics departments should hold timely mandatory training sessions that review policies and codes of conduct, as this is essential to creating LGBTQ-inclusive environments.

- [Click here](#) for LGBTQ inclusion training best practices

Resources:

Sample Language To Be Used in Athletics Department Handbooks

- “The athletics department prohibits discrimination based on race, sex, religion, national origin, sexual orientation, gender identity and gender expression.”
- “As an athletics department that respects and celebrates inclusion, (school X athletics) prohibits discrimination based on sexual orientation, gender identity and gender expression.”

Note: If the school already has a policy that covers sexual orientation and gender identity discrimination, the policy should be explicitly referenced in athletics department materials (e.g., student handbook, website, etc.).

Sample Team Code of Conduct

- “Respect and sportsmanship are core values of this team. All members of this team are expected to reflect these core values in their words and conduct toward members of marginalized communities, including (but not limited to) the LGBTQ community.”
- “Respect and sportsmanship are core values of this team. All members of this team are expected to reflect these core values in their words and conduct. Racist, sexist, homophobic, biphobic, and/or transphobic language or conduct will not be tolerated.”

Sample Fan Code of Conduct

- “(Insert School Name) expects fans to enjoy the game experience free from fighting, thrown objects, attempts to enter the playing field, political or inciting messages and disorderly behavior, including foul, sexist, racist, homophobic, transphobic, obscene or abusive language or gestures.”

LGBTQ Inclusion Training Best Practices

- As a best practice, LGBTQ inclusion training should:
 - Be held at least once each academic year.
 - Be mandatory for all coaches, players and staff.
 - Review all LGBTQ harassment policies and team codes of conduct.
- This training can be integrated into similar training programs (e.g., CHAMPS) or, depending on time, resources and capacity, a separate training program can be developed.
- Athletics departments also should maintain up-to-date LGBTQ inclusion resources that are readily available to coaches, players and staff throughout the year, for review between training programs.

Printable Resources:

Sports-Specific Resources (free and printable)

- [Champions of Respect](#)
- [On the Team](#)
- [NCAA Inclusion of Transgender Student-Athletes Best Practices](#)

Books and Films (available for purchase)

- [Out To Win \(Film\)](#)
- [Training Rules \(Film\)](#)
- [Strong Women, Deep Closets \(Book by Pat Griffin\)](#)
- [In The Game: Gay Athletes and the Cult of Masculinity \(Book by Eric Anderson\)](#)
- [http://competenetwork.com \(Magazine\)](http://competenetwork.com)

General LGBTQ Resources (free and printable)

- [Human Rights Campaign Municipal Equality Index](#)
- [Movement Advancement Project Equality Maps](#)

Web Resources:

Sports-Specific Websites (internet only, free)

- <http://www.transathlete.com>
- <http://www.athleteally.org>
- <http://www.glsen.org/sports>
- <http://www.goathletes.org>
- <http://www.campusprideindex.org/sports/index>
- <http://sportsinclusion.wix.com/sportsinclusion>

LGBTQ General Websites (internet only, free)

- <http://www.hrc.org>
- <http://www.glsen.org>
- <http://www.glaad.org>
- <http://www.nclrights.org>

LGBTQ Resources

- [NCAA Champions of Respect: LGBTQ Inclusion Best Practices](#)
- [LGBTQ Terminology](#)
- [Five ways to have an LGBTQ-inclusive athletics department](#)
- [Common Ground](#)
- [Division III LGBTQ OneTeam Program](#)

5 Ways to Have an **LGBTQ-Inclusive** Athletics Department

1

LGBTQ-Inclusive Nondiscrimination Policies

Athletics departments should have a written nondiscrimination policy that explicitly covers “sexual orientation,” “gender identity” and “gender expression” to protect lesbian, gay, bisexual, transgender and questioning people.

2

LGBTQ-Inclusive Codes of Conduct

Athletics departments should ban anti-LGBTQ conduct by players, coaches, athletics administrators and fans.

Team Code of Conduct: Teams should be encouraged to create codes of conduct outlining consequences for engaging in homophobic and transphobic behaviors.

Fan Code of Conduct: Fans should not be subjected to discriminatory language and behavior by those on the field or in the stands. Values and expectations should be communicated to fans via the school’s official fan code of conduct.

3

Communications

Athletics departments should ensure all media communications and recruiting materials (media guides, community outreach, team camp brochures, etc.) include a nondiscrimination clause and use LGBTQ-inclusive language.

4

Accessible Resources

Athletics departments should maintain up-to-date LGBTQ inclusion resources that are readily available to coaches, players and staff throughout the year.

5

Annual LGBTQ Inclusion Trainings for Staff and Students

Athletics departments should hold timely mandatory training sessions that review policies and codes of conduct, as this is essential to creating LGBTQ-inclusive environments.

For samples of policies and codes of conduct, go to <https://www.ncaa.org/about/resources/inclusion/five-ways-have-lgbtq-inclusive-athletics-department#ADH>.

LGBTQ Terminology and Definitions

Sex Assigned at Birth: Refers to the designation of a newborn child's sex based on inspection of their external genitalia.

Gender Identity: One's inner concept of self as male or female or both or neither.

Gender Expression: Refers to the ways in which a person communicates their gender identity to others through behavior, clothing, haircut, voice, name, personal pronouns and other forms of self-presentation.

Transgender: An adjective describing a person whose gender identity does not match their sex assigned at birth.

Transitioning: The process by which a transgender person strives to live consistently with their gender identity (Male to female or female to male, for example). Transitioning may include changing behavior, names, pronouns, clothing, hairstyles and other appearance related characteristics. Transitioning may also, but not necessarily, include surgically changing one's body or taking or suppressing hormones.

Cisgender: An adjective describing a person whose gender identity is consistent with their sex assigned at birth.

Non-Binary: Describes a person whose gender identity is not either male or female. A non-binary person may feel some mix of both male and female, somewhere in between, or something completely different. Other terms that are similar to 'non-binary' are genderqueer, gender expansive, and gender nonconforming.

Gender Fluid: Describes a person whose gender identity and expression are not fixed and can vary at any time.

Sexual Orientation: Describes a person's sexual attraction to other people. "Heterosexual" (or "straight") describes a person attracted to people of a different sex. "Lesbian" describes a woman attracted to women. "Gay" describes a man attracted to men ("Gay" is also used as an umbrella term referring to both lesbians and gay men). "Bisexual" or "pansexual" describe someone attracted to people of any sex.

Queer: Historically a slur used to demean lesbian and gay people, queer is now a self-description preferred by many lesbian, gay, bisexual and transgender people (especially younger people) as a challenge to traditional sex and gender expectations or labels and to reclaim the word in a positive way from its historically negative use.

LGBTQ: A short-hand way to refer to lesbian, gay, bisexual, transgender, queer people. The "Q" can also refer to people who are questioning their sexual orientation or gender identity.

Heterosexual or Cisgender Ally: A description for heterosexual and cisgender people who take actions to support LGBTQ people and address prejudice and discrimination against LGBTQ people.

View [*Champions of Respect — Inclusion of LGBTQ Student-Athletes and Staff in NCAA Programs*](#) resource here.

